

EXHIBIT L

In the Matter Of:

HAYSE vs CITY OF MELVINDALE, ET AL.
DETECTIVE CORPORAL BRANDON NOLIN

April 20, 2018

Prepared for you by



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NOLIN, DETECTIVE CORPORAL BRANDON
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| <p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MICHIGAN</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CHAD HAYSE,</p> <p>6 Plaintiff,</p> <p>7 -vs- Case No.: 17-cv-13294</p> <p>8 CITY OF MELVINDALE, a political Hon. Linda V. Parker</p> <p>9 Subdivision of the State; Mag. Elizabeth A. Stafford</p> <p>10 MELVINDALE CITY COUNCIL, a</p> <p>11 legislative body of the City of</p> <p>12 Melvindale; NICOLE BARNES,</p> <p>13 WHEELER MARSEE, MICHELLE SAID</p> <p>14 LAND, DAVE CYBULSKI, CARL</p> <p>15 LOUVET, and STEVEN DENSMORE,</p> <p>16 individuals, sued in their</p> <p>17 official and personal capacities,</p> <p>18 Defendants.</p> <p>19 ~~~~~/</p> <p>20 DEPONENT: DETECTIVE CORPORAL BRANDON NOLIN</p> <p>21 DATE: Friday, April 20, 2018</p> <p>22 TIME: 10:09 a.m.</p> <p>23 LOCATION: Deborah Gordon Law</p> <p>24 33 Bloomfield Hills Parkway, Suite 220</p> <p>25 Bloomfield Hills, Michigan</p> <p>REPORTER: John J. Slatin, RPR, CSR-5180</p> <p>Certified Shorthand Reporter</p> <p>(Appearances listed on page 2)</p> | <p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4</p> <p>5 DETECTIVE CORPORAL BRANDON NOLIN</p> <p>6</p> <p>7 Examination by Ms. Gordon 4</p> <p>8 Examination by Ms. Balian 105</p> <p>9 Re-Examination by Ms. Gordon 167</p> <p>10</p> <p>11 EXHIBITS: IDENTIFIED</p> <p>12</p> <p>13 (None offered)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
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| <p>1 APPEARANCES:</p> <p>2</p> <p>3 DEBORAH L. GORDON (P27058)</p> <p>4 ELIZABETH MARZOTTO TAYLOR (P82061)</p> <p>5 Deborah Gordon Law</p> <p>6 33 Bloomfield Hills Parkway, Suite 220</p> <p>7 Bloomfield Hills, Michigan 48304</p> <p>8 (248) 258-2500</p> <p>9 dgordon@deborahgordonlaw.com</p> <p>10 emarzottotaylor@deborahgordonlaw.com</p> <p>11 Appearing on behalf of the Plaintiff.</p> <p>12</p> <p>13 MELINDA BALIAN (P55744)</p> <p>14 Foley & Mansfield, PLLP</p> <p>15 130 E. Nine Mile Road</p> <p>16 Ferndale, Michigan 48220</p> <p>17 (248) 721-8183</p> <p>18 mbalian@foleymansfield.com</p> <p>19 Appearing on behalf of the Defendants.</p> <p>20</p> <p>21 ALSO PRESENT: Chad Hayse</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 Friday, April 20, 2018</p> <p>2 Bloomfield Hills, Michigan</p> <p>3 10:09 a.m.</p> <p>4 * * *</p> <p>5 (Parties present as indicated.</p> <p>6 Mr. Hayse is not present.)</p> <p>7 * * *</p> <p>8 DETECTIVE CORPORAL BRANDON NOLIN,</p> <p>9 having been first duly sworn, was examined and testified</p> <p>10 as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MS. GORDON:</p> <p>13 Q. Hi, Detective Nolin. I'm Deborah Gordon. I represent</p> <p>14 Chad Hayse. We just met this morning.</p> <p>15 A. Yes.</p> <p>16 Q. If you don't understand my questions, if you want me to</p> <p>17 repeat or rephrase, just let me know; okay?</p> <p>18 A. Okay.</p> <p>19 Q. How long have you been with Melvindale?</p> <p>20 A. It will be six years next month.</p> <p>21 Q. Okay. And when you hired in, what was your title or</p> <p>22 role?</p> <p>23 A. Road patrol officer.</p> <p>24 Q. Okay. And at some point you became a detective?</p> <p>25 A. Yes, ma'am.</p> |

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| <p style="text-align: right;">Page 5</p> <p>1 Q. And when was that?</p> <p>2 A. That was February of 2014.</p> <p>3 Q. Okay. And what are you doing today?</p> <p>4 What are your job duties?</p> <p>5 A. Today, I'm currently assigned to the Michigan State</p> <p>6 Police in an undercover role for a narcotics team.</p> <p>7 Q. Okay. And that's some kind of a special assignment, I</p> <p>8 assume?</p> <p>9 A. Yes.</p> <p>10 Q. And when did you begin that assignment?</p> <p>11 A. The 26th of last month was my first day.</p> <p>12 Q. Okay. And as of that time, what was your role at</p> <p>13 Melvindale?</p> <p>14 A. Prior to --</p> <p>15 Q. To leaving for your special assignment.</p> <p>16 A. I was a corporal on the midnight shift.</p> <p>17 Q. Okay. And what were you doing?</p> <p>18 Were you on road patrol?</p> <p>19 A. Road patrol, yes.</p> <p>20 Q. Okay. And do you act as a detective?</p> <p>21 A. I do now.</p> <p>22 I didn't then.</p> <p>23 Q. I see.</p> <p>24 Okay. When did you get the title of detective?</p> <p>25 A. The first time?</p> | <p style="text-align: right;">Page 7</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And what were your duties on road patrol?</p> <p>3 A. Road patrol was to respond for calls for service,</p> <p>4 enforce the traffic laws, make sure we were visible for</p> <p>5 the public so they knew that we were out there, trying</p> <p>6 to keep them safe.</p> <p>7 Q. And do all road patrol officers have essentially the</p> <p>8 same duties?</p> <p>9 A. For the most part, yes.</p> <p>10 Q. Okay. And who -- as far as you know, who is responsible</p> <p>11 for disciplining command officers at the Melvindale</p> <p>12 Police Department? Is that --</p> <p>13 A. Currently?</p> <p>14 Q. Is that the Public Safety Commission?</p> <p>15 A. I believe so.</p> <p>16 Q. Okay. And nonsupervisory officers, what's the procedure</p> <p>17 for discipline?</p> <p>18 A. That would go through the supervisors, up through to the</p> <p>19 chief.</p> <p>20 So, our sergeants to our lieutenants and then to</p> <p>21 the chief's office.</p> <p>22 Q. Okay. With regard to towing in the City of Melvindale,</p> <p>23 what is the purpose of towing as part of your job</p> <p>24 duties; if any?</p> <p>25 A. Certain vehicles -- there's certain laws that state --</p> |
| <p style="text-align: right;">Page 6</p> <p>1 Q. Yeah.</p> <p>2 A. That was in 2014.</p> <p>3 Q. Okay.</p> <p>4 A. I came out of the detective bureau. I was -- in January</p> <p>5 of 2017 and went to the midnight shift as a corporal.</p> <p>6 Q. Okay. When did you come out of the academy?</p> <p>7 A. That would have been December of 2011, I believe.</p> <p>8 Q. And what was your first job?</p> <p>9 A. My first police job?</p> <p>10 Q. Yes.</p> <p>11 A. Was Melvindale.</p> <p>12 Q. Okay. And what's your educational background?</p> <p>13 A. I have an associate's degree in criminal justice from</p> <p>14 Oakland Community College.</p> <p>15 Q. Give me a brief overview of your duties as a detective.</p> <p>16 A. As a detective, our duties -- or my duties were to</p> <p>17 follow up on cases that had reports that had already</p> <p>18 been taken by the road patrol officers, handle the</p> <p>19 prisoners that were in custody to make sure that they</p> <p>20 got arraigned and handle interviews of potential</p> <p>21 suspects or witnesses, things of that nature.</p> <p>22 Q. Okay. And you're currently doing some road patrol work?</p> <p>23 A. No, not on the -- not on the special assignment.</p> <p>24 Q. Okay. I'm sorry. But prior to the special assignment,</p> <p>25 you were doing some road patrol?</p> | <p style="text-align: right;">Page 8</p> <p>1 that make a vehicle roadworthy, whether it has to have</p> <p>2 insurance, it has to have proper plates on it. The</p> <p>3 driver has to have a valid license.</p> <p>4 So, if the vehicle is in violation of those things</p> <p>5 or if it -- if it isn't safe for it to be on the road,</p> <p>6 if the brakes aren't working, if it's nighttime and the</p> <p>7 headlights aren't working, things of that nature, the</p> <p>8 officer has discretion on whether or not to tow that</p> <p>9 vehicle.</p> <p>10 Also, if it's used in the commission of a crime, if</p> <p>11 there are narcotics found in the vehicle or on any</p> <p>12 person within the vehicle, unregistered firearms, stolen</p> <p>13 firearms, if there's just stolen product from a B & E in</p> <p>14 the vehicle, again, the vehicle would be impounded.</p> <p>15 Q. Okay. So, is the impound the second step after a</p> <p>16 traffic stop for some other reason?</p> <p>17 How does that work?</p> <p>18 A. What -- I'm not sure I understand.</p> <p>19 Q. Okay. So, you say -- for example, your last example was</p> <p>20 if there's some criminal activity, you find some illegal</p> <p>21 substance in the car, somebody is driving without a</p> <p>22 license.</p> <p>23 You learn that after you've made a stop?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So, would you typically make a stop for some</p> |

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| <p style="text-align: right;">Page 9</p> <p>1 traffic violation purpose and then --</p> <p>2 A. Usually, yes. That's how it would work.</p> <p>3 Q. Okay. And then the next step would be that, in part of</p> <p>4 your investigation on the scene, you might learn</p> <p>5 something that would cause you to think I may have to</p> <p>6 impound this vehicle?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. Do you know whether or not officers look for cars</p> <p>9 to tow and stop cars for the purpose of towing instead</p> <p>10 of for some other purpose?</p> <p>11 A. Yes.</p> <p>12 Q. What do you know in that regard?</p> <p>13 A. We have a specific officer who seems to take pride in</p> <p>14 towing vehicles. It's a goal of his.</p> <p>15 Q. Okay. And that's Matthew Furman?</p> <p>16 A. Yes.</p> <p>17 Q. And so -- I mean, I've deposed him, and what I've</p> <p>18 learned is that he does run license plates before he</p> <p>19 pulls somebody over.</p> <p>20 A. Yes.</p> <p>21 Most officers will -- well, some officers will do</p> <p>22 that.</p> <p>23 Just in the course of road patrol duties, you can</p> <p>24 run --</p> <p>25 Q. Right.</p> | <p style="text-align: right;">Page 11</p> <p>1 Just give me a hypothetical example or something</p> <p>2 you can think of from the time you spot a vehicle and</p> <p>3 begin to think about making a stop.</p> <p>4 A. If I'm stopping a vehicle, it is for either absolute</p> <p>5 safety reasons, meaning the vehicle is swerving or has</p> <p>6 something defective that --</p> <p>7 (Discussion held off the record.)</p> <p>8 A. Maybe they may not even --</p> <p>9 MS. GORDON: Excuse me one second, Detective.</p> <p>10 A. I'm sorry.</p> <p>11 (Discussion held off the record.)</p> <p>12 MS. BALIAN: Can I -- are those the documents I</p> <p>13 provided today?</p> <p>14 MS. GORDON: Yeah.</p> <p>15 MS. BALIAN: I just want to make a record that they</p> <p>16 were provided to you.</p> <p>17 MS. GORDON: Okay. Very good.</p> <p>18 A. So, if I see something, a traffic violation or something</p> <p>19 that needs to be addressed for safety reasons, I'll stop</p> <p>20 the vehicle and conduct a traffic stop. And throughout</p> <p>21 the investigation of the traffic stop, if they're --</p> <p>22 again, like I said, if there's something criminal, if I</p> <p>23 believe that there's narcotics in the vehicle, if the</p> <p>24 driver has been drinking, I'll continue my investigation</p> <p>25 further. And if it comes to the point where I'm going</p> |
| <p style="text-align: right;">Page 10</p> <p>1 A. -- any license plate on the roadway just to make sure</p> <p>2 that it's valid, to make sure that the driver doesn't</p> <p>3 have warrants, to make sure that -- that the driver's</p> <p>4 license is valid for the driver of the vehicle.</p> <p>5 However, it's not common practice to do that in --</p> <p>6 in a sense of trying to find something wrong. You're</p> <p>7 just doing that to make sure everything is correct.</p> <p>8 It's the practice of Officer Furman that he does</p> <p>9 that with every car that he can find that he believes</p> <p>10 he's going to be able to impound.</p> <p>11 Q. Okay. And he has said that he may tow as many as ten</p> <p>12 vehicles a day.</p> <p>13 I don't know if it's more or less, but he used that</p> <p>14 as a possibility.</p> <p>15 Does that sound like a high number of vehicles, for</p> <p>16 a shift, to tow?</p> <p>17 A. Yes. That's -- our busiest shift, as far as traffic,</p> <p>18 would be our afternoon shift, which is 4:00 to midnight.</p> <p>19 That's when the most traffic would be on the roadway for</p> <p>20 our officers to interact with. And ten would be heavy</p> <p>21 for that entire shift to tow, which is three or four</p> <p>22 officers on the road.</p> <p>23 Q. Have you impounded vehicles?</p> <p>24 A. Yes.</p> <p>25 Q. Tell me what your procedure is.</p> | <p style="text-align: right;">Page 12</p> <p>1 to impound the vehicle, I will ask for another officer</p> <p>2 to the scene, for safety reasons -- people generally</p> <p>3 don't like it when you're taking their vehicle -- before</p> <p>4 I ever let the driver know that I'm going to be taking</p> <p>5 it, as well as I'll let dispatch know to call for a tow</p> <p>6 truck.</p> <p>7 And then once the scene is safe, whether I'm</p> <p>8 arresting the occupants, driver, passengers, whatever,</p> <p>9 or sometimes I -- they're not arrested at the scene.</p> <p>10 They're released from the scene.</p> <p>11 Once it's safe for me to do so, I will search the</p> <p>12 vehicle as far as an inventory search to make sure</p> <p>13 that -- to note any items of value on the vehicle and</p> <p>14 any damage currently with the vehicle, and report that</p> <p>15 on our tow sheets.</p> <p>16 BY MS. GORDON:</p> <p>17 Q. Okay. And then do you -- if you are taking -- if there</p> <p>18 is an arrest, is it that you already have another</p> <p>19 officer there and that individual can take the citizen</p> <p>20 to the police station, or how does that work?</p> <p>21 A. Some -- some officers do that. I prefer not to do that</p> <p>22 only because -- this is just personal preference.</p> <p>23 Q. Uh-huh.</p> <p>24 A. I don't want myself tied up and a second officer tied up</p> <p>25 staying with the vehicle in case our third officer gets</p> |

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| <p style="text-align: right;">Page 13</p> <p>1 a two-man call and needs backup. I don't want all of 2 this backup being tied up because of my stop. 3 So, personal preference, I'll have the arrested in 4 my car and wait for the tow myself. And once the 5 vehicle clears, then I will take the arrested in to the 6 station. 7 Q. And then what do you do once you get to the station? Is 8 there paperwork and so on? 9 A. Yes. 10 You book the prisoner. I always search the 11 prisoner twice. Again, just personal preference. I 12 search them before I put them in my car and then I 13 search them again at the station while they're still in 14 handcuffs. It's just a safety personal preference. 15 However, once they're in the booking area, you book 16 them in, get their paperwork set up, get them in a cell. 17 We have a board up in the -- what used to be the 18 dispatch area, where we write the names of the 19 prisoners. 20 However, all that has actually just changed as of 21 about a week or so ago because now we're housing at 22 Dearborn P.D. So, I'm not 100 percent how that's 23 working since I'm not there. But that was the procedure 24 while I was there. 25 Q. And so, of the impounds that you effectuate, roughly</p> | <p style="text-align: right;">Page 15</p> <p>1 dropped off right at their station. Or, if the 2 department says that they don't want to hold them for 3 that -- sometimes they're less serious warrants, some -- 4 I mean literally just for a littering ticket. So, if 5 it's for something of a less serious nature, the 6 department won't want to pick up. So, we'll just advise 7 them that they have a warrant that they need to take 8 care of, but release the person from the scene. 9 Q. Okay. If it's a more serious warrant than something 10 like a littering, is it standard procedure to let the 11 other departments know and give them the opportunity to 12 decide whether they want to try to obtain the person? 13 A. If it's a felony warrant, they have to pick up. 14 Q. Okay. 15 A. So, we still advise them that we have Person A in 16 custody; that they have a felony warrant with you. And 17 we will try to work out details, again, on whether to 18 house at our place and let them pick up from there or to 19 meet on the road, how they want to work that. But that 20 person would be arrested. 21 (Mr. Hayse enters the room.) 22 BY MS. GORDON: 23 Q. And what about if it's a Melvindale citizen and there's 24 a felony warrant? How is that handled? 25 A. That would be -- they would be arrested once that is</p> |
| <p style="text-align: right;">Page 14</p> <p>1 what percent end up with the driver being arrested? 2 MS. BALIAN: Objection. Lack of foundation. 3 You can answer if you know. 4 A. I -- of my own personal? 5 BY MS. GORDON: 6 Q. Yes. 7 A. It would be hard to say. Each -- I take each incident 8 separate from the next. 9 So -- it would be hard to say. 10 Q. Okay. What's the policy at the department if you stop 11 somebody and there's a warrant out for his arrest? 12 A. It depends on what the warrant is for and which 13 department. 14 Q. Okay. 15 A. However, the general policy, if it's not a Melvindale 16 warrant, if it's not our own warrant, is to advise 17 dispatch that there is -- that you have made contact 18 with person -- you know, Person A and that there's a 19 warrant for their arrest. And dispatch will contact 20 that department to see if they want to hold them and 21 arrest -- have us arrest them for them to pick up. 22 If they do, then -- then we can arrange it where 23 we'll hold at our station. We can arrange it where we 24 will meet that department on the road. Sometimes if 25 it's close, as in Lincoln Park or Allen Park, we have</p> | <p style="text-align: right;">Page 16</p> <p>1 learned. 2 And then we would just contact our own dispatch and 3 let them know that we have Person A under arrest for a 4 Melvindale felony warrant and bring them into the 5 station and go through the booking process that I 6 described earlier. 7 Q. And as I understand it, that's a requirement -- 8 A. Yes. 9 Q. -- if you're picking somebody up from Melvindale and 10 there is a warrant to bring the person in? 11 A. Yes. 12 Q. Okay. You said you called dispatch. 13 Do you always call dispatch when you're engaged in 14 an impound activity? 15 A. Yes. 16 Q. And what's the purpose? 17 A. For a few reasons. 18 One, that lets dispatch know you're going to be 19 tied up for a little while, as far as not being able to 20 assist with calls. 21 Also, dispatch is the one who would contact the 22 towing company to let them know to send a tow truck to 23 the stop, as well as -- previously, up until about two 24 months ago, the dispatcher or supervisor was who 25 dispatched us. So, our supervisor would be the one who</p> |

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| <p style="text-align: right;">Page 17</p> <p>1 would enter the vehicle into LEIN as impounded.</p> <p>2 Q. I see. Okay.</p> <p>3 Are you aware that Matthew Furman uses his cell</p> <p>4 phone to directly call a Goch driver --</p> <p>5 A. Yes.</p> <p>6 Q. -- on his cell? Scott(sic) Briscoe would be one</p> <p>7 person --</p> <p>8 A. Yes.</p> <p>9 MS. GORDON: Do I have the name right?</p> <p>10 MS. MARZOTTO TAYLOR: Uh-huh.</p> <p>11 BY MS. GORDON:</p> <p>12 Q. -- on his phone.</p> <p>13 Does that strike you as unusual?</p> <p>14 A. For Mr. -- for Officer Furman, no, he's done that for</p> <p>15 quite some time.</p> <p>16 Q. For police activity?</p> <p>17 A. But for -- for our department, yes, I believe he's the</p> <p>18 only officer who does that.</p> <p>19 Q. So, what, as you understand how this whole thing works,</p> <p>20 would be the point of doing that?</p> <p>21 A. It speeds up the process for Officer Furman, and I</p> <p>22 believe it's so he can tow -- tow more cars, in all</p> <p>23 honesty.</p> <p>24 Q. Right.</p> <p>25 And what do you understand the reason is he wants</p> | <p style="text-align: right;">Page 19</p> <p>1 myself, that he had a goal to tow 1,000 cars within a</p> <p>2 calendar year.</p> <p>3 Q. So, what did you make of that, as a police officer?</p> <p>4 A. I didn't think it was appropriate. I don't -- as a</p> <p>5 fellow officer, I don't understand the purpose of it. I</p> <p>6 don't feel that that's really what a police officer is</p> <p>7 supposed to be doing.</p> <p>8 Q. Tell me what a police officer is supposed to be doing</p> <p>9 that's out on road patrol.</p> <p>10 A. Serving the public. That's our -- everybody knows, when</p> <p>11 you get into this line of work, you are a public</p> <p>12 servant. That's what the job is for.</p> <p>13 And I don't believe the way that Officer Furman</p> <p>14 polices is serving the public most of the time. I think</p> <p>15 most of the time he's serving his own agenda, his own</p> <p>16 pride.</p> <p>17 Q. Okay. When he's tied up with all these tows that he's</p> <p>18 doing all day, does it mean he's not doing other things</p> <p>19 that the other officers on the shift may be doing?</p> <p>20 A. Yes.</p> <p>21 Q. Can you describe that a little bit?</p> <p>22 A. Well, as I explained earlier, specifically with myself,</p> <p>23 why I would wait with the prisoner in my car and wait</p> <p>24 for the tow truck myself, that's so the other cars -- I</p> <p>25 could have two cars free.</p> |
| <p style="text-align: right;">Page 18</p> <p>1 to tow so many cars that he wants to take steps like</p> <p>2 calling a tow driver directly on his own cell?</p> <p>3 What would be the point, from a Melvindale Police</p> <p>4 Department point of view, of speeding that process up so</p> <p>5 much?</p> <p>6 What would be the upside to the department?</p> <p>7 MS. BALIAN: Objection. Lack of foundation.</p> <p>8 BY MS. GORDON:</p> <p>9 Q. Go ahead. We make these objections, and you go ahead.</p> <p>10 MS. BALIAN: You can still answer.</p> <p>11 A. Oh, sorry.</p> <p>12 The upside to the department would be it generates</p> <p>13 revenue for the department.</p> <p>14 BY MS. GORDON:</p> <p>15 Q. And how about to Officer Furman?</p> <p>16 A. As I said earlier, he seems to take pride in it. Since</p> <p>17 around our one-year mark or so, maybe a little after</p> <p>18 that -- we hired in roughly about four days apart from</p> <p>19 each other.</p> <p>20 So, around our one-year mark, or roughly in that</p> <p>21 area, he made it a goal of his to tow cars. He would</p> <p>22 tell -- almost as if to be bragging to officers in the</p> <p>23 locker room, "I towed 12 cars today." "I towed 20 cars</p> <p>24 last week."</p> <p>25 He actually had told many officers, including</p> | <p style="text-align: right;">Page 20</p> <p>1 Well, on day shift, our minimum required for the</p> <p>2 road is only two officers on the road, which happens</p> <p>3 most of the time. Therefore, it would just be Officer</p> <p>4 Furman and one other officer on the road.</p> <p>5 When he is tied up with these tows, which take up</p> <p>6 most of his day, because that's what he chooses to do,</p> <p>7 the other officer is the one taking all the calls for</p> <p>8 service, sometimes having to place -- well, not placing</p> <p>9 the call on hold, but telling the caller, "Okay. We'll</p> <p>10 get there as soon as we can," because our one officer is</p> <p>11 out on a call and Officer Furman was towing a car.</p> <p>12 Sometimes we would have to send the detectives out</p> <p>13 to handle the call, which is not the norm. Sometimes,</p> <p>14 including -- I was working when Chief Allen had to</p> <p>15 handle a call for service, as the chief, because the</p> <p>16 detective bureau was busy. Our one officer was on a</p> <p>17 call, and Officer Furman was towing a car.</p> <p>18 Q. So, why didn't -- I mean, what's your understanding of</p> <p>19 why, for example, Chief Allen doesn't say, "You can't do</p> <p>20 this. We need you out there backing people up. We need</p> <p>21 you taking calls. We need you doing traffic patrol"?</p> <p>22 A. I'm not 100 percent sure why Chief Allen -- that would</p> <p>23 be a question more for him.</p> <p>24 Q. Right.</p> <p>25 A. However, I know that it has been stressed to Officer</p> |

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| <p style="text-align: right;">Page 21</p> <p>1 Furman from friends, from coworkers, from supervisors</p> <p>2 that they would like him to do that. However, he stays</p> <p>3 within his legal rights as an officer, and it makes it</p> <p>4 difficult for a supervisor to tell him not to do that.</p> <p>5 Q. I see.</p> <p>6 What do you mean by "legal rights"? Contractual</p> <p>7 rights or what?</p> <p>8 A. As an officer, you're given certain authority, and he</p> <p>9 stays within that authority as far as what the law</p> <p>10 allows him to do as an officer --</p> <p>11 Q. Okay.</p> <p>12 A. -- by towing these cars. So --</p> <p>13 Q. You used the word earlier "discretion" when you were</p> <p>14 describing decision-making with regard to calling for a</p> <p>15 tow --</p> <p>16 A. Yes.</p> <p>17 Q. -- and doing an impound.</p> <p>18 Explain to me what "discretion" means in that</p> <p>19 regard.</p> <p>20 A. In regards to the towing?</p> <p>21 Q. Yes.</p> <p>22 What are the factors that you would be thinking of?</p> <p>23 A. I take in -- as I said, I take each traffic stop</p> <p>24 separate from the one before, separate from the one</p> <p>25 after it. So, I take into account the age of the -- of</p> | <p style="text-align: right;">Page 23</p> <p>1 time?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And, obviously, we all know that he has the</p> <p>4 towing contract for Melvindale.</p> <p>5 Prior to him obtaining the towing contract, did you</p> <p>6 see him around the police station?</p> <p>7 A. Yes.</p> <p>8 Q. In what regard?</p> <p>9 A. He would come up to the station and introduce himself to</p> <p>10 everyone as Mike Goch, the owner of Goch & Sons Towing.</p> <p>11 He spent most of his time on the city hall side.</p> <p>12 Our station is in the same building as our city hall,</p> <p>13 but basically on opposite sides of the building. He</p> <p>14 seemed to spend most of his time over there; however,</p> <p>15 every time that I seen him in the building prior to the</p> <p>16 contract, he would come over to the police department</p> <p>17 side and introduce himself to anybody that was in the</p> <p>18 station.</p> <p>19 Q. Okay. And what was -- as far as you know, who was he</p> <p>20 visiting on the city side?</p> <p>21 A. I don't know for sure.</p> <p>22 Q. Obviously, it would be helpful to him to have good</p> <p>23 relationships, I assume, with officials in the City.</p> <p>24 Would that be your understanding?</p> <p>25 MS. BALIAN: Objection. Calls for speculation.</p> |
| <p style="text-align: right;">Page 22</p> <p>1 the person in the vehicle, or the driver, if you will.</p> <p>2 I take into account the situation, who all is in the</p> <p>3 car, as far as, are there children in the car? Is there</p> <p>4 elderly in the car? Is there someone sick in the car?</p> <p>5 Sometimes -- are they on their way to or from a</p> <p>6 hospital?</p> <p>7 I also -- I ask every driver if they have a reason</p> <p>8 for whatever it was I stopped them for, if they're</p> <p>9 speeding but their mom just got real sick and the</p> <p>10 hospital said to get up here. That's -- I take into</p> <p>11 account all of that, as well as what it was they -- I</p> <p>12 actually stopped them for.</p> <p>13 If I stopped them just because their taillight was</p> <p>14 out, and then I found out later that their license was</p> <p>15 suspended versus I stopped them because they -- you</p> <p>16 know, they almost hit three cars, I take into account</p> <p>17 all of that, as well as road conditions. I take into</p> <p>18 account time of day, just about everything really. I</p> <p>19 try to encompass all that as I would want somebody to do</p> <p>20 for me.</p> <p>21 Q. Do you -- from what you've observed and what you're</p> <p>22 aware of, do most of the officers in Melvindale use</p> <p>23 discretion in the way you've just described?</p> <p>24 A. Yes. From the ones that I've seen, most of them do.</p> <p>25 Q. Obviously, you must know who Michael Goch is, by this</p> | <p style="text-align: right;">Page 24</p> <p>1 BY MS. GORDON:</p> <p>2 Q. You can go ahead and answer.</p> <p>3 A. Yes.</p> <p>4 It was -- we knew that -- the officers at the</p> <p>5 department, myself included, knew at that time that Goch</p> <p>6 & Sons had got into -- that they were bidding for our</p> <p>7 towing contract and trying to outbid the current towing</p> <p>8 company that we were using, which was Gene's. And it</p> <p>9 was assumed at that point that he was there trying to</p> <p>10 help his chances of gaining our -- the City's business.</p> <p>11 Q. Did you ever become aware that Goch gave gifts or</p> <p>12 donations to the police department?</p> <p>13 We've heard some of that during other depositions</p> <p>14 in this case.</p> <p>15 A. Yes.</p> <p>16 (Outside interruption.)</p> <p>17 A. I'm sorry. That's my work phone.</p> <p>18 BY MS. GORDON:</p> <p>19 Q. If you need to take a call, just let us know.</p> <p>20 A. No. It was just a text message. I may need to respond</p> <p>21 here in a second, though.</p> <p>22 Q. Okay.</p> <p>23 A. But, yes, Goch & Sons, specifically from Mike Goch, had</p> <p>24 brought food to the department on multiple occasions,</p> <p>25 including -- I know of one specific incident, and I</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 don't remember the date or time frame in which it</p> <p>2 happened, where he provided food for a party at Officer</p> <p>3 Easton's house for the police officers of Melvindale.</p> <p>4 Q. Okay. Did you become aware that Officer Furman</p> <p>5 developed a personal relationship with Mike Goch?</p> <p>6 He's testified to that here.</p> <p>7 A. Yes.</p> <p>8 Q. And how did you become aware of that, and what did you</p> <p>9 become aware of?</p> <p>10 MS. BALTIAN: Did you say Officer Easton has</p> <p>11 testified to that?</p> <p>12 MS. GORDON: No. Furman had.</p> <p>13 A. Officer Furman told me himself that he had -- would have</p> <p>14 a -- multiple conversations with Mr. Goch. He never</p> <p>15 used the word "friendship," but it was -- it seemed like</p> <p>16 a friendship in the way he described it as how often</p> <p>17 they would talk, how often they would speak on the</p> <p>18 phone, and the type of conversations that they would</p> <p>19 have were not of a professional nature. They would talk</p> <p>20 about restoring old vehicles and things of that nature.</p> <p>21 (Outside interruption.)</p> <p>22 A. I'm sorry.</p> <p>23 BY MS. GORDON:</p> <p>24 Q. That's okay.</p> <p>25 (Discussion held off the record.)</p> | <p style="text-align: right;">Page 27</p> <p>1 A. He bought it for Officer Furman.</p> <p>2 Q. Can you explain how -- what the system is there or what</p> <p>3 that refers to?</p> <p>4 A. I was -- at that time, I was assisting Lieutenant Welch</p> <p>5 with running the auctions and making sure everybody paid</p> <p>6 and writing down the correct dollar amounts and things</p> <p>7 of that nature. And at the one specific auction that</p> <p>8 I'm talking about, Mr. Briscoe was bidding. And I asked</p> <p>9 him specifically who the car was for, and he told me he</p> <p>10 was bidding for Officer Furman. And, actually, he did</p> <p>11 purchase a car that day for Officer Furman.</p> <p>12 Q. So, why wouldn't Furman have purchased it himself as you</p> <p>13 understand the process and the system?</p> <p>14 A. I don't know. I believe it was because it -- to me, it</p> <p>15 looks inappropriate that an officer who impounds so many</p> <p>16 vehicles would then turn around and purchase those</p> <p>17 vehicles to sell for profit. Which Officer Furman has</p> <p>18 told me -- because Officer Furman has bought numerous</p> <p>19 vehicles from our auction, and he has told myself and</p> <p>20 other officers that that's what he does with them. He</p> <p>21 fixes them up and sells them for a profit.</p> <p>22 Q. Have you ever heard that he damages vehicles himself --</p> <p>23 A. No.</p> <p>24 Q. -- to get a lower price -- to pay a lower price?</p> <p>25 A. Yeah. No, I haven't heard that.</p> |
| <p style="text-align: right;">Page 26</p> <p>1 BY MS. GORDON:</p> <p>2 Q. Did Furman ever discuss with you that he socialized with</p> <p>3 Goch, went to his home, on his boat?</p> <p>4 A. He did tell me that he's been to his house.</p> <p>5 I did not know that he had been on his boat;</p> <p>6 however, he did tell me that he's been to his house,</p> <p>7 that he had been to social events with Mike Goch.</p> <p>8 Q. Obviously, Furman undoubtedly generates a lot of revenue</p> <p>9 for Goch.</p> <p>10 Would you agree with that?</p> <p>11 A. Absolutely.</p> <p>12 Q. Were you aware that Furman had personal relationships</p> <p>13 with the tow drivers, the wrecker drivers?</p> <p>14 A. I know that he has -- I believe it's Sean Briscoe.</p> <p>15 Q. Right.</p> <p>16 A. I know he has his personal cell phone number, and I know</p> <p>17 that they speak often. But I -- I'm unaware of the</p> <p>18 other drivers. I know he knows them all by first name,</p> <p>19 but I wasn't sure if that was just through how many cars</p> <p>20 he towed or whether it was a more personal nature.</p> <p>21 Q. Speaking of Briscoe, were you aware that Briscoe has</p> <p>22 purchased cars at auctions?</p> <p>23 A. I knew of one.</p> <p>24 Q. Okay. And did he purchase that for himself or for</p> <p>25 Furman or for somebody else?</p> | <p style="text-align: right;">Page 28</p> <p>1 Q. You haven't heard that.</p> <p>2 Is there a limit on the number of cars a police</p> <p>3 officer can buy from his city auction?</p> <p>4 A. Not that I'm aware of.</p> <p>5 Q. Okay. Do you know roughly -- have any feel for how many</p> <p>6 cars in a month or year Furman purchases?</p> <p>7 A. I don't know.</p> <p>8 I know that it's been multiple, as he would tell</p> <p>9 us.</p> <p>10 Q. Sure.</p> <p>11 A. "I bought two cars at that last action and sold them,"</p> <p>12 and things of that nature; however, I don't know an</p> <p>13 exact number.</p> <p>14 Q. And do you know how he sells them or where he sells</p> <p>15 them?</p> <p>16 A. I believe he lists them online, on probably like a</p> <p>17 Craigslist, I'm assuming. But I believe he lists them</p> <p>18 online and sells them that way.</p> <p>19 Q. Okay. Did you become aware that the city council and</p> <p>20 some city officials, maybe the city administrator, were</p> <p>21 very concerned with the amount of revenue generated from</p> <p>22 towing?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And what did you learn in that regard?</p> <p>25 A. The entire department knew that it was going on, that</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 the city officials were going to and did hire an outside 2 investigator and pay him or her to investigate why our 3 towing numbers had dropped, meaning the number of 4 impounds. 5 Q. Okay. So, before we get into that, that the numbers had 6 dropped, I don't know what paperwork you have -- you 7 see, but in this case, a lot of paperwork has been 8 generated about revenue from tows. 9 A. Okay. 10 Q. And we can certainly see that the city council is -- has 11 raised many questions about -- or concerns about keeping 12 that revenue up. 13 A. Right. 14 Q. And has that -- is that something you've become aware 15 of? 16 A. Yes. They -- they stressed at meetings numerous 17 times -- they never specified that it was the revenue. 18 They stressed numerous times that they needed and were 19 curious about the numbers of tows and that they wanted 20 them to remain high, and they wanted to know why they 21 had dropped. Again, they never specified revenue at the 22 meetings that I was a part of. 23 Q. Were you aware that there was a drop when Furman -- I 24 think -- these are my words, not anybody's official 25 words -- when Furman got irritated because he was told</p> | <p style="text-align: right;">Page 31</p> <p>1 A. Absolutely. 2 Q. Because for any day he's off the road, you're losing a 3 significant number of tows, most all your tows? 4 A. Yes. He -- I don't have an exact number, but I would 5 bet it was safe to say that he tows 60 to 70 percent of 6 the vehicles, if not more, for the entire department. 7 Q. Okay. And then -- so, how long would this -- from what 8 you observed would he go then with just deciding he 9 wasn't going to do that? 10 A. It depended on each time that he was upset. That first 11 time, I believe, lasted a few weeks -- two or three 12 weeks -- where he just didn't tow any cars. Which, in 13 that amount of time for him, would -- would be a 14 significant amount of cars if not -- if it didn't last 15 longer than that. 16 Q. So, there was this Lawrence Jackson report, which I'm 17 going to ask you about in a little while, but I don't 18 know if you're aware of this, but he was hired by the 19 City to look into why tows were down. 20 Did you become aware of that? 21 A. I didn't know the name. 22 Q. Okay. 23 A. But I did know that they hired someone to look into it, 24 yes. 25 Q. And I'll hand you a copy shortly, but I do note that in</p> |
| <p style="text-align: right;">Page 30</p> <p>1 to call dispatch or something to that effect? 2 A. Yes. 3 Q. Do you remember that? 4 A. Yes. 5 Throughout our time at the department, Officer 6 Furman has gotten upset, I believe, about three times, 7 whether it be with administration, whether it be with 8 the City, but he got angry at something. And his way of 9 handling it, I guess -- and he was verbal about this -- 10 was that he was not going to tow cars for a while. 11 And during that low, in which the City was going to 12 pay and did pay the outside investigator, was the first 13 time that that happened where Officer Furman had become 14 upset with something to do with -- I'm not sure whether 15 it was administration or the City, and, therefore, he 16 decided not to tow cars for a while. 17 (Discussion held off the record.) 18 BY MS. GORDON: 19 Q. Okay. Just because what? He was kind of -- this my 20 word, not his or anybody else's. He was kind of in a 21 snit? 22 A. Yes, he -- yeah, he was -- 23 Q. He was mad? 24 A. He was upset. 25 Q. So, at that point, the tows would have dropped?</p> | <p style="text-align: right;">Page 32</p> <p>1 this document, on Bates 1276, produced by the City, 2 Jackson, in this report, states on 4-26-16: 3 "Corporal Furman was given special written 4 instructions by Chief Chad Hayse --" 5 and I'll hand that to you in a minute. 6 And then he says: 7 "Corporal Furman took this to mean his 8 performance was being closely monitored and 9 evaluated. He said that caused him to alter 10 his normal job performance. He restricted 11 his towing to abandoned or unoccupied areas." 12 So, is that the kind of thing you're talking about? 13 A. Actually, now that you say that, I remember that 14 specifically, that he -- Officer Furman told myself, 15 again, and almost every officer there that that's what 16 he was going to do was only tow unoccupied vehicles. 17 Because he was getting -- Officer Furman was getting 18 numerous citizen complaints when towing vehicles at that 19 time, and -- which was causing him to end up having to 20 speak with our -- with supervisors. And so he -- he was 21 mad about it. He took it personal and, therefore, said 22 he wasn't going to tow any cars other than the 23 unoccupied vehicles. 24 Q. So, Chad Hayse, of course, was -- with regard to this 25 particular discipline -- I'm going to hand this to you.</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 I don't know if you've ever seen it before. It's been 2 produced by the City. It's Bates stamp 1442. 3 So, this apparently -- this memo was given after 4 Lieutenant Welch and Chief Hayse had talked to Furman 5 and then issued this memo. So, just take a look and 6 read that. 7 A. Okay. 8 Q. Have you seen this document before? 9 MS. BALIAN: What's the Bates stamp? 10 A. I'm sorry? 11 MS. BALIAN: I just want to see the Bates stamp. 12 A. Okay. 13 MS. BALIAN: Defendant -- 14 A. Yes. I have seen this before. 15 BY MS. GORDON: 16 Q. Okay. And do you have any understanding of why this 17 would have been issued from your knowledge of the 18 circumstances? 19 A. Yes. 20 MS. BALIAN: Objection. Lack of foundation. 21 BY MS. GORDON: 22 Q. Go ahead. 23 A. From having worked with Officer Furman, be it just on 24 the same shift, on -- or a -- more specifically while he 25 was out working traffic, at this time, it appeared,</p> | <p style="text-align: right;">Page 35</p> <p>1 And that -- he continued his behavior, if you will, 2 and that -- his habit of towing the vehicles, and that 3 worked its way up to Chief Hayse to where Chief Hayse 4 put this out in order to still keep him from getting 5 these complaints, getting himself in trouble. And as 6 the chief of police, he had to address the amount of 7 complaints Officer Furman was getting. 8 So, this was put out in order to try to keep those 9 complaints from coming in. 10 And this really offended Officer Furman when this 11 came out. 12 Q. Uh-huh. And then he had the slowdown apparently -- 13 A. Yes. 14 Q. -- after that. 15 And then Chief Hayse was severely criticized a la 16 the Larry Jackson report -- 17 A. Yes. 18 Q. -- because he had -- apparently, according to 19 Mr. Jackson, it was Chad Hayse's fault that the towing 20 was down. 21 A. Correct. 22 Q. Did you become aware of that? 23 A. Yes. 24 Q. Okay. So, look at the content of this April 26th, 2016 25 memo to Corporal Furman from Chief Hayse.</p> |
| <p style="text-align: right;">Page 34</p> <p>1 especially through all of the citizen complaints, 2 through my observations and other officers' observations 3 that he seemed to lack the ability to use discretion. 4 His -- as I stated earlier, his focus was strictly 5 on finding a reason to tow the car and towing it and 6 impounding it. And although be it within -- within the 7 law, what he was doing, didn't necessarily make it 8 right. 9 So, myself included, as Officer Furman and I were 10 friends at this time, numerous officers tried talking to 11 him and giving advice and basically examples on things 12 he should or shouldn't be doing and telling him that 13 just because you can tow a car doesn't mean you have to. 14 There's other factors that you should consider, which 15 are the factors -- a lot of them which are listed in 16 this memo here. 17 And as that -- as he ignored myself and other 18 officers at the patrol level, then things worked up to 19 where sergeants started speaking with Officer Furman. 20 He ignored that, where it made it up to lieutenants. 21 Lieutenants tried speaking to him. 22 And this was all just a person-to-person, nothing 23 in an official order or anything of that. Just trying 24 to keep him from getting these complaints and getting 25 himself in any trouble.</p> | <p style="text-align: right;">Page 36</p> <p>1 The City has taken the position in this case that 2 Chad Hayse was -- let's see. How did they put it -- 3 some of them say "he's violating the Constitution." 4 Others say "he's engaging in civil rights violations" 5 because he's asking Furman to please relay to dispatch 6 gender, age, number of occupants and so on. 7 What is your takeaway on the use of the words 8 "gender," "age," and "occupants" in here, as a police 9 officer? 10 A. I -- as I stated earlier, those are things that I 11 consider with every stop, whether it be for towing, for 12 arrest, for -- even for citation. Even for as low as a 13 ticket, I consider all these factors. And I believe, 14 from my own observations, that most of the officers at 15 our department also consider these factors. 16 I don't believe that those factors come into play 17 for Officer Furman hardly ever, if at all. 18 Q. So, since my client has been excoriated for putting the 19 words "gender" and "age" in here, could you explain -- I 20 mean it seems obvious to me, and -- I don't know -- that 21 doesn't matter, but just for the record -- how gender 22 and age play a role in your work? 23 A. If -- an example would be if it's a 16-year-old who has 24 had their license two weeks and they -- they didn't use 25 their turn signal while changing lanes, and they're</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 driving their mother's vehicle without insurance on it.</p> <p>2 And I stop them for not using their turn signal, and I</p> <p>3 come up and get their information and realize she's</p> <p>4 had -- he or she has had their license two weeks, and</p> <p>5 then realize that her mom doesn't have insurance on the</p> <p>6 vehicle, I'm not going to fault her for that. That's</p> <p>7 just my personal way of handling it. She's 16. She's</p> <p>8 just now learning about car insurance. I'm sure if she</p> <p>9 has a job, it's not paying well enough to afford putting</p> <p>10 car insurance on her mother's car, which she, I'm sure,</p> <p>11 only drives maybe on the weekends, things of that</p> <p>12 nature. So, that's where age would come into play.</p> <p>13 Also if it's an elderly person -- the whole point</p> <p>14 of the way that I was taught in my academy -- the whole</p> <p>15 point of a traffic citation is to gain compliance with</p> <p>16 whatever law -- traffic law they broke.</p> <p>17 If a person is 80 years old and was lost and</p> <p>18 happened to maybe, you know, swerve over a lane while</p> <p>19 they were trying to find where they were going, I don't</p> <p>20 believe that that person maybe needs a citation.</p> <p>21 They've had a clean driving record for 50, 60 years.</p> <p>22 They may not need a citation to gain compliance with the</p> <p>23 law. Maybe they were just lost and I can actually help</p> <p>24 them out and give them directions and let them know</p> <p>25 where they're at without having to give them a ticket</p> | <p style="text-align: right;">Page 39</p> <p>1 But just because it's legal doesn't mean it's right in</p> <p>2 certain instances, and I wouldn't -- in fact, most of</p> <p>3 our officers wouldn't do that.</p> <p>4 Q. We have some documents that would indicate that Officer</p> <p>5 Furman did not effectuate arrests for individuals who he</p> <p>6 stopped and towed their vehicle when it was a felony</p> <p>7 arrest.</p> <p>8 A. I know of one specific incident where that happened,</p> <p>9 yes.</p> <p>10 Q. What do you know of in that regard?</p> <p>11 A. I don't know the name of the individual; however,</p> <p>12 Officer Furman stopped the vehicle, did a -- conducted a</p> <p>13 traffic stop and, through his time with the traffic</p> <p>14 stop, learned that the individual driving had a felony</p> <p>15 warrant -- valid warrant for their arrest. Didn't</p> <p>16 notify dispatch of the warrant, didn't notify any other</p> <p>17 officers of that warrant, and did have a legal reason to</p> <p>18 impound the vehicle for whatever traffic violations had</p> <p>19 happened.</p> <p>20 So, he impounded the vehicle, wrote that person a</p> <p>21 ticket and let them leave from the scene. And at the</p> <p>22 time, the sergeant on the desk, when he went to -- he</p> <p>23 has to -- they call -- it's name candidating. He has to</p> <p>24 verify all the names are correct because an officer can</p> <p>25 manually type in the names on the ticket.</p> |
| <p style="text-align: right;">Page 38</p> <p>1 or, furthermore, impounding their vehicle.</p> <p>2 That -- that would be where it comes into play in</p> <p>3 my opinion.</p> <p>4 Q. And with regard to taking a vehicle away from somebody</p> <p>5 that has children in the car or somebody that's elderly</p> <p>6 or maybe a female that's, you know, more frail, or</p> <p>7 something -- osteoporosis, who knows -- how does that</p> <p>8 affect your decision to actually tow a car?</p> <p>9 A. Majorly, including with where the stop happened, where</p> <p>10 they live, the weather. I'm not going to have a mother</p> <p>11 who is driving on a suspended license, who has got two</p> <p>12 kids in car seats in the back, put out on January 1st in</p> <p>13 that kind of weather just because her license is</p> <p>14 suspended.</p> <p>15 No. I'm going to instruct her not to drive the</p> <p>16 vehicle, wait in her vehicle and get somebody there with</p> <p>17 a valid license to drive her away from there, and I</p> <p>18 would probably give her a ticket. But, again, all of</p> <p>19 the factors would come into play, why I stopped her</p> <p>20 originally, what her driving record is, all of that.</p> <p>21 However, I would -- for something as far as just a</p> <p>22 ticket, I would not be taking her vehicle for that</p> <p>23 because I -- if somebody did that to my mom, I would be</p> <p>24 so irate, it would -- you know, I -- again, is it legal</p> <p>25 for me to take her vehicle? Yes. She broke the law.</p> | <p style="text-align: right;">Page 40</p> <p>1 So, the supervisor has to verify that the names are</p> <p>2 spelled correctly; that the correct person is getting</p> <p>3 the citation.</p> <p>4 When the sergeant was doing that, at the end of the</p> <p>5 shift, observed that the person that Officer Furman gave</p> <p>6 that ticket to had a felony warrant and questioned</p> <p>7 Officer Furman on it, and Officer Furman actually got</p> <p>8 into a verbal argument with the sergeant to where they</p> <p>9 had to -- the sergeant made him go outside because he</p> <p>10 was kind of challenging his authority in front of the</p> <p>11 shift, the other officers.</p> <p>12 Q. Did Furman have any rationale for why he wouldn't</p> <p>13 effectuate an arrest?</p> <p>14 A. He blamed the equipment. He said that, because the</p> <p>15 computer took too long, he didn't want to wait for that.</p> <p>16 And he used some choice words about the equipment and</p> <p>17 then said that that was why.</p> <p>18 Q. Have you observed that Furman has an anger problem?</p> <p>19 A. Yes.</p> <p>20 Q. What have you observed?</p> <p>21 A. I believe, from my observations and speaking with</p> <p>22 Officer Furman throughout his career, he seems to take</p> <p>23 each traffic stop personally, and that every person that</p> <p>24 he stops he feels automatically should respect him</p> <p>25 because he's an officer.</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 And although I agree to a certain extent, there is 2 some respect that should come with the job, you -- if 3 you take each incident personally of that -- in that 4 way, you will become angry because there's people who 5 are having a bad day already before you stop them. 6 Obviously, nobody enjoys getting a ticket. So, then 7 you're making their day worse. 8 Q. It's intimidating? 9 A. Yes. 10 And also some people just flat out don't like the 11 police and don't respect the police. But it's our job 12 to still show them respect. That's sometimes easier 13 said than done, and I agree with that, but you still 14 have to try. 15 And he has gotten -- he seems to talk down to the 16 people that he stops, as -- in a demeaning manner. He 17 also has -- he's gotten numerous complaints from 18 citizens that I've witnessed the complaints come in for 19 his tone of voice, his choice of words on the stop, 20 as -- and, lastly, I have observed him, in my opinion, 21 go way over the line in that he had a suspect in 22 handcuffs already who wasn't resisting, was just walking 23 to the patrol vehicle with Officer Furman, and Officer 24 Furman pushed his head into the patrol vehicle, actually 25 splitting his head open.</p> | <p style="text-align: right;">Page 43</p> <p>1 I observed it. 2 Chief Hayse requested a letter from me on what I 3 observed. I -- I typed a very brief memo to Chief Hayse 4 as to what I observed. And then I'm not sure how much 5 longer later, I was informed that Chief Hayse had turned 6 that investigation over to the Michigan State Police. 7 And the -- a female state trooper, along with two male 8 FBI agents were at the department and interviewed 9 myself, Lieutenant Allen, Corporal Hinojosa, and I 10 believe they also introduced Sergeant Slaughter. And 11 I'm not sure if they interviewed Officer Furman or not 12 in regards to that incident. 13 Q. What's the next thing that happened? Were you there 14 when they came into the department? 15 A. I don't think I saw them come in, but I was there that 16 day, yes. 17 Q. Okay. All right. And you saw them talk to the people 18 you've just mentioned? 19 A. I wasn't in the room when they spoke -- 20 Q. Right. 21 A. -- with them. That was in the chief's conference room. 22 But, yes, I was -- I observed them go in there to speak 23 with them, yes. 24 Q. I have an e-mail exchange between you and Sunshine 25 Ponzetti from the Michigan State Police.</p> |
| <p style="text-align: right;">Page 42</p> <p>1 Q. Yeah. And I think Officer -- Lieutenant Allen witnessed 2 that event? 3 A. Yes. 4 Myself, Lieutenant Allen and Corporal Hinojosa were 5 witnesses to that event. 6 Q. Okay. So -- was this in -- I don't remember the dates, 7 but, again, the City has produced documents on this 8 incident. And it appears that it was in July of 2016. 9 A. That sounds right. 10 Q. So, who was present when those events occurred? 11 A. Myself, Lieutenant Allen, Officer Hinojosa all observed 12 it. 13 Sergeant Slaughter was in the area, but I don't 14 believe he actually observed that part happen. 15 Q. So, what happened after you observed this? 16 A. Officer Furman transported the suspect back to the 17 department. I returned to the department with 18 Lieutenant Allen. And immediately upon return to the 19 department, I had to leave with another detective. I 20 believe we were serving subpoenas. I don't remember 21 exactly what we were doing. However on our return, 22 Lieutenant Allen called me into his office and asked me 23 if I observed what happened with Officer Furman and the 24 suspect at that time, and I informed him that I did. 25 And he told me that I needed to inform Chief Hayse that</p> | <p style="text-align: right;">Page 44</p> <p>1 A. That sounds right, yes. 2 Q. Does that sound like the person you saw? 3 A. Yes. 4 Q. So, I can hand you that. 5 Do you remember sending her an e-mail, and did she 6 ask you for information? 7 A. Yes. She -- 8 Q. I'll hand this to you, if you don't mind. This is Hayse 9 Bates stamp 928, 929, 930. 10 MS. BALIAN: Can I just see that for a minute? 11 A. Yeah. 12 Yes. When we spoke that day, she asked if I could 13 put it in writing for her in this e-mail, which is -- 14 BY MS. GORDON: 15 Q. This is your e-mail, and this is what you wrote down? 16 A. Correct. 17 Q. Okay. And you sent this to her, it looks like, via 18 e-mail? 19 A. Yes. 20 Q. Okay. Now, if you look on the e-mail on the top, 21 Officer Ponzetti is saying to somebody named Renee: 22 "I searched my e-mail and located this sent 23 e-mail from Brandon Nolin. This e-mail, as you 24 can see, was forwarded to my FBI account as well 25 as S.A. Lobar's(ph)."</p> |

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| <p style="text-align: right;">Page 45</p> <p>1 Was Officer Ponzetti involved with the FBI? Is</p> <p>2 that how you understand this?</p> <p>3 A. She informed -- yes.</p> <p>4 Q. Yeah.</p> <p>5 A. When she interviewed me that day, she informed me</p> <p>6 that -- I think she said it had something to do with</p> <p>7 manpower -- I'm not sure on that. But for some reason,</p> <p>8 she had the FBI with her, and that she was working with</p> <p>9 them with this investigation.</p> <p>10 Q. Well, it looks like she has an FBI account herself. I</p> <p>11 don't know if that makes any sense to you or not.</p> <p>12 A. She never stated that to me.</p> <p>13 Q. Why would the FBI be involved with this, from what you</p> <p>14 can think of?</p> <p>15 A. I have no idea.</p> <p>16 Q. Have you ever heard of the FBI filling in with the MSP</p> <p>17 for manpower purposes?</p> <p>18 A. Not prior or after this, no.</p> <p>19 Q. Okay. So, when is the next time you talked to Officer</p> <p>20 Ponzetti?</p> <p>21 A. I haven't since.</p> <p>22 Q. Okay. Did anybody tell you what the upshot of this</p> <p>23 investigation was?</p> <p>24 A. No.</p> <p>25 Q. Did you ever hear anything about whether there was going</p> | <p style="text-align: right;">Page 47</p> <p>1 So, no ideas on why the Michigan State Police would</p> <p>2 say -- whoever you were talking to would say, "We're</p> <p>3 going to say we don't even know what you're talking</p> <p>4 about"?</p> <p>5 A. Yeah. I found that extremely odd. Especially -- even</p> <p>6 if I called and said, "Oh, I forgot to tell you guys</p> <p>7 this," that was -- that was just going to fall on deaf</p> <p>8 ears apparently. I don't know. It was really weird.</p> <p>9 Q. Okay. And have you heard anything about it since?</p> <p>10 A. I don't know the time frame, but I do know that the</p> <p>11 individual -- I can't remember his name.</p> <p>12 Q. McClintock, I believe.</p> <p>13 A. Yes. That sounds right.</p> <p>14 He was returned to our department at a later date</p> <p>15 for his court appearance. He was under arrest for a</p> <p>16 valid reason.</p> <p>17 Q. Right.</p> <p>18 A. So, he returned later for his court date, and I believe</p> <p>19 we tried to -- our department -- not myself</p> <p>20 specifically, but I believe our department tried to</p> <p>21 contact MSP to inform them, "If you need to interview</p> <p>22 this gentleman" -- because he did file a formal</p> <p>23 complaint with our department as well, that if they</p> <p>24 needed to contact him -- because he was believed to be</p> <p>25 homeless at the time, so we weren't sure if the state</p> |
| <p style="text-align: right;">Page 46</p> <p>1 to be any action taken or whether there was a file that</p> <p>2 was opened anywhere?</p> <p>3 A. They told us specifically that -- or at least I know</p> <p>4 that they told me this, and the other officers confirmed</p> <p>5 it to me that were interviewed, that during the</p> <p>6 interview they told us once they left the department</p> <p>7 that day, if we called them, if we even called them the</p> <p>8 next day and said, "Hey, I want to talk to you about</p> <p>9 that investigation," that they would inform us at that</p> <p>10 time they didn't know what investigation we were talking</p> <p>11 about; there was no such investigation.</p> <p>12 Q. So, what did you make of that? What was your takeaway?</p> <p>13 A. I thought it was really weird. I didn't understand</p> <p>14 that. I still don't understand it. I don't know why</p> <p>15 that would be that way. I still don't.</p> <p>16 Q. So, before they left the station, they told you this?</p> <p>17 A. Yes, including -- which is how I -- why it came to be</p> <p>18 that the other officers who were interviewed confirmed</p> <p>19 this with me, because I asked them if they were told the</p> <p>20 same thing because it struck me as extremely odd,</p> <p>21 including asking Lieutenant Allen why that would be, and</p> <p>22 he also stated he had no idea. That's not something</p> <p>23 that I've ever heard of happening. I don't know why</p> <p>24 that is like that.</p> <p>25 Q. Huh.</p> | <p style="text-align: right;">Page 48</p> <p>1 police would be able to find him or locate him to speak</p> <p>2 with him.</p> <p>3 So, we reached out to contact Michigan State Police</p> <p>4 to let them know that he was at our department, again,</p> <p>5 if they wanted to come interview him in regards to the</p> <p>6 incident, and they said, "We don't know what</p> <p>7 investigation you're talking about. We don't have</p> <p>8 anything."</p> <p>9 Q. I believe McClintock has now filed a federal lawsuit.</p> <p>10 I'm not 100 percent sure, but we did get a Complaint.</p> <p>11 So, were you aware, then, that Chad Hayse came</p> <p>12 under criticism for attempting to discipline Furman over</p> <p>13 this event?</p> <p>14 A. It was never said outright that -- in the beginning that</p> <p>15 that's what was happening. However, towards the --</p> <p>16 towards the end of the ordeal with Chief Hayes, it was</p> <p>17 known -- and I was aware of it, that the City was</p> <p>18 criticizing Chief Hayse for not filing proper paperwork</p> <p>19 as far as his discipline with Officer Furman.</p> <p>20 Q. So, I'm going to hand you Plaintiff's Exhibit 5, marked</p> <p>21 during Chief Hayse's deposition.</p> <p>22 And now we've got Larry Coogan. This is about the</p> <p>23 same situation I've been talking to you about,</p> <p>24 Detective, with regard to the McClintock situation and</p> <p>25 investigation. Take a look at that.</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 A. Okay.</p> <p>2 Q. Okay. Do you recall that Furman was facing suspension</p> <p>3 with or without pay around this time?</p> <p>4 MS. BALIAN: Objection. Lack of foundation.</p> <p>5 A. Yes. I, at the time, was on the union board for our</p> <p>6 patrol union and also friends with Officer Furman. I</p> <p>7 was actually his representative from our union during</p> <p>8 this incident.</p> <p>9 So, the communications between Chief Hayse and</p> <p>10 Officer Furman basically went through me.</p> <p>11 BY MS. GORDON:</p> <p>12 Q. Okay. So, what did you communicate to Furman that you</p> <p>13 received from the chief in your role as a union</p> <p>14 representative?</p> <p>15 A. Originally, the first disciplinary action that was taken</p> <p>16 against Officer Furman with this was, he was being</p> <p>17 suspended with pay. That notice came from Lieutenant</p> <p>18 Allen; however, I was present when that happened, that</p> <p>19 he had to turn over his firearm and ID, pending the</p> <p>20 further investigation into this matter by Chief Hayse.</p> <p>21 Q. The McClintock matter?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. So, he was suspended with pay originally.</p> <p>25 Once the investigation was concluded by Chief</p> | <p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 At that time, Corporal Thompson was also with me.</p> <p>3 He witnessed me handing him the notice, as well as was</p> <p>4 present during the conversation, including -- I had</p> <p>5 texted Officer Furman because he didn't -- he was --</p> <p>6 which I understood. He was kind of embarrassed to come</p> <p>7 to the station.</p> <p>8 So, he actually asked me to grab a few things out</p> <p>9 of his personal locker for him and give him those, as</p> <p>10 well, because -- at that time, I told him through text</p> <p>11 already that -- what was happening as far as the</p> <p>12 suspension becoming without pay and that Chief Hayse</p> <p>13 would be seeking his termination.</p> <p>14 Q. What was Furman's reaction after what you told him that</p> <p>15 you just described to us?</p> <p>16 A. At that point, he didn't have much of a reaction. He --</p> <p>17 he -- the initial shock didn't really seem to hit him at</p> <p>18 that point. I think maybe it hit him later when he got</p> <p>19 home, or maybe he just didn't want to show it in front</p> <p>20 of us, as when he was originally suspended with pay, he</p> <p>21 broke down and was very emotional. So, I think he was</p> <p>22 trying to fight that when it changed to unpaid and the</p> <p>23 termination was coming.</p> <p>24 However, at the end of it, he was becoming more and</p> <p>25 more upset -- at the end of that conversation, he was</p> |
| <p style="text-align: right;">Page 50</p> <p>1 Hayse, he informed me -- and I believe gave a formal</p> <p>2 letter -- it was enclosed in an envelope, so I didn't</p> <p>3 read it, but I hand-delivered it to Officer Furman and</p> <p>4 was verbally told by Chief Hayse, and I verbally told</p> <p>5 Officer Furman that Chief Hayse was changing his</p> <p>6 suspension to without pay, and that he was going to be</p> <p>7 seeking his termination.</p> <p>8 Q. Okay. Did you understand the reason he was seeking his</p> <p>9 termination?</p> <p>10 A. Yes.</p> <p>11 Q. What was that?</p> <p>12 A. It was for misuse of force against Mr. McClintock</p> <p>13 throughout -- along with the number of other</p> <p>14 disciplinaries that Officer Furman had already received</p> <p>15 throughout his career.</p> <p>16 Q. Okay. And some of these issues you've talked about</p> <p>17 today?</p> <p>18 A. Yes.</p> <p>19 Q. Some of the concerns.</p> <p>20 So, you did hand Furman an envelope that contained</p> <p>21 paperwork --</p> <p>22 A. Yes.</p> <p>23 Q. -- from the chief with regard to his now being placed on</p> <p>24 an unpaid leave or suspension and with termination being</p> <p>25 requested?</p> | <p style="text-align: right;">Page 52</p> <p>1 becoming more and more upset and angry about it, and</p> <p>2 just kept saying he didn't understand why this was</p> <p>3 happening, and basically kept -- and repeated it several</p> <p>4 times, that "There's rapists and murderers out there,</p> <p>5 yet I'm getting in trouble for this."</p> <p>6 That was basically his stance on it.</p> <p>7 Q. Were you aware that Larry Coogan -- city attorney, I</p> <p>8 guess, would be the title -- got involved in the matter</p> <p>9 of the discipline of Matthew Furman?</p> <p>10 A. I was aware that Chief Hayse had attempted to contact</p> <p>11 Mr. Coogan in order to see how the City wished Chief</p> <p>12 Hayse to proceed with the termination.</p> <p>13 It's my understanding that the chief can proceed</p> <p>14 one of two ways, and he can either terminate an officer</p> <p>15 outright under his own authority or have it go in front</p> <p>16 of the Safety Commission as far as basically a trial</p> <p>17 board.</p> <p>18 Q. Uh-huh.</p> <p>19 A. And he -- it was my understanding that Chief Hayse</p> <p>20 attempted several times to contact Mr. Coogan in order</p> <p>21 to see how Mr. Coogan and the City thought it would be</p> <p>22 best to proceed with the termination of Officer Furman.</p> <p>23 I was unaware of this communication here, though.</p> <p>24 Q. Yeah.</p> <p>25 So, as you can see, Mr. Coogan is demanding that</p> |

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| <p style="text-align: right;">Page 53</p> <p>1 Chief Hayse produce certain things.</p> <p>2 A. Right.</p> <p>3 Q. And then were you aware that shortly thereafter,</p> <p>4 obviously, within weeks, Chief Hayse was -- a removal</p> <p>5 action was begun against him, and that Furman was --</p> <p>6 this Furman discipline was one of the key reasons?</p> <p>7 Did you learn that?</p> <p>8 A. Yes. I was at the meeting when they called for Chief</p> <p>9 Hayse's original suspension.</p> <p>10 Q. Were you aware that he was charged with willful</p> <p>11 misconduct in office by the improper issuance of</p> <p>12 discipline upon Corporal Furman?</p> <p>13 A. I was not made aware of the specific reasonings for</p> <p>14 their calling for his termination, no.</p> <p>15 Q. So, what would your opinion be on why the City of</p> <p>16 Melvindale would go after Chief Hayse for his attempt to</p> <p>17 discipline a police officer who apparently was engaged</p> <p>18 in some activity that was of concern?</p> <p>19 MS. BALLAN: Objection. Lack of foundation.</p> <p>20 But if you know --</p> <p>21 MS. GORDON: I'm asking for an opinion.</p> <p>22 A. Yeah.</p> <p>23 BY MS. GORDON:</p> <p>24 Q. You can offer your opinion.</p> <p>25 A. Yeah. My opinion in this matter is that -- that Officer</p> | <p style="text-align: right;">Page 55</p> <p>1 So, they had to either back the chief and terminate</p> <p>2 Officer Furman or do what they did.</p> <p>3 That being said, I know that since Chief Hayse was</p> <p>4 terminated, the City actually went back and gave officer</p> <p>5 Furman backpay for the time that he was suspended</p> <p>6 without pay before they were able to terminate Chief</p> <p>7 Hayse. And I don't know if it's common practice or not,</p> <p>8 but they did so without notifying his own union. Nobody</p> <p>9 in our union knew about it. The only way we found out</p> <p>10 about it was, we have a book that is kept in what used</p> <p>11 to be the dispatch area, that keeps track of vacation</p> <p>12 time, sick days, personal days, overtime, anything of</p> <p>13 that nature, and the discipline that he received was</p> <p>14 given -- was erased out of that book and given back to</p> <p>15 him.</p> <p>16 Q. Right. We have learned that.</p> <p>17 And in addition he's received a promotion; correct?</p> <p>18 A. Since then, yes.</p> <p>19 Q. Is anybody -- well, anybody in command, that you're</p> <p>20 aware of from your vantage point, monitoring his conduct</p> <p>21 vis-à-vis towing and some of the other things we've</p> <p>22 discussed here today, or is he pretty much just doing</p> <p>23 whatever he wants to do?</p> <p>24 A. Now, he is a sergeant, so now he's in charge of whatever</p> <p>25 shift he's assigned to, which, I believe, at this time</p> |
| <p style="text-align: right;">Page 54</p> <p>1 Furman generates a ton of revenue for the City, and the</p> <p>2 City didn't really hide it that they held his tow</p> <p>3 numbers in high regard; that that was a big issue for</p> <p>4 them.</p> <p>5 And I -- I mean, anybody that looked at our numbers</p> <p>6 would see, if Officer Furman was terminated, they would</p> <p>7 lose a lot of -- the City would lose a lot of revenue.</p> <p>8 Our -- the rest of our officers just -- they don't tow</p> <p>9 cars the way that he does.</p> <p>10 And I believe that the City saw that they were</p> <p>11 going to lose that when -- you know, if Officer Furman</p> <p>12 was terminated. So, I believe that that's why they</p> <p>13 interjected.</p> <p>14 Q. They interjected and got rid of the chief and kept on</p> <p>15 and protected Furman and ensured he didn't even get any</p> <p>16 discipline; correct?</p> <p>17 A. Yeah. I believe that it was -- at that point it was</p> <p>18 either the chief or Furman.</p> <p>19 I know from my own observations that Chief Hayse</p> <p>20 had plenty of reason to terminate Officer Furman, as</p> <p>21 well as other officers that observed his behavior</p> <p>22 throughout his career. And the City chose -- like I</p> <p>23 said at that point, it was either Chief Hayse or officer</p> <p>24 Furman because Chief Hayse had made his decision to</p> <p>25 terminate Officer Furman.</p> | <p style="text-align: right;">Page 56</p> <p>1 is the afternoon shift.</p> <p>2 So, after 4:30, he is the top-ranking officer at</p> <p>3 the department when he's there. The chief is gone, both</p> <p>4 lieutenants are gone. So, nobody really monitors him at</p> <p>5 that point.</p> <p>6 Q. He said he goes out and tows sometimes after a shift is</p> <p>7 over.</p> <p>8 A. Yes.</p> <p>9 Q. Have you observed that?</p> <p>10 A. Yes.</p> <p>11 Q. So, now that he's a sergeant, are the towing numbers --</p> <p>12 is he still doing the tows?</p> <p>13 A. Since he's become a sergeant, I haven't been on the</p> <p>14 afternoon shift, which would be -- or -- I was on the</p> <p>15 midnight shift, or now in my assignment where I am, I</p> <p>16 don't report to the department, so I don't know what his</p> <p>17 numbers would be recently.</p> <p>18 Q. Fair enough.</p> <p>19 You mentioned citizen complaints a couple of times.</p> <p>20 Describe to me, from what you know as an officer at</p> <p>21 this department, how citizen complaints are handled.</p> <p>22 First of all, what's the way a person can make a</p> <p>23 citizen complaint?</p> <p>24 A. A citizen can file a complaint by -- they come to the</p> <p>25 front desk at the department. There's an actual form</p> |

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| <p style="text-align: right;">Page 57</p> <p>1 that you can list of the date and time of the complaint.</p> <p>2 You can list your own name as the complainant, and you</p> <p>3 list the officer or officers' names that you want to</p> <p>4 file the complaint against. And then you just handwrite</p> <p>5 what you believe the officer did that was inappropriate</p> <p>6 or wrong, and -- in your own words.</p> <p>7 It's a narrative portion.</p> <p>8 Every one of those complaints that are handed in</p> <p>9 are turned over to the chief of police.</p> <p>10 Q. Okay. And then what happens as you understand it?</p> <p>11 A. It's my understanding that the chief investigates that</p> <p>12 incident, whether it be speaking directly to the officer</p> <p>13 that the complaint is against, whether it be speaking to</p> <p>14 the other officers that were at the scene, or it could</p> <p>15 possibly be just reviewing the body camera footage from</p> <p>16 that incident.</p> <p>17 There's numerous ways that a complaint can be</p> <p>18 reviewed as -- by the chief. As well as, sometimes the</p> <p>19 chief -- before even asking any questions, the chief</p> <p>20 just requests all officers that were involved to write a</p> <p>21 narrative just to the chief as far as what their</p> <p>22 recollection of that incident was.</p> <p>23 Q. Okay. And are those kept?</p> <p>24 A. It's my understanding that they are, yes.</p> <p>25 Q. Okay. And what about if somebody makes a phone call in</p> | <p style="text-align: right;">Page 59</p> <p>1 So, that's the data that's been produced to us by</p> <p>2 the City.</p> <p>3 So, you can see that, once Goch came in, the number</p> <p>4 of tows went way, way up.</p> <p>5 A. Yes.</p> <p>6 Q. And is it your testimony here today -- I think this is</p> <p>7 what you're saying -- that Furman is -- is there because</p> <p>8 he's effectuating those tows?</p> <p>9 A. That's my --</p> <p>10 MS. BALIAN: Objection. Lack of foundation. Calls</p> <p>11 for speculation.</p> <p>12 BY MS. GORDON:</p> <p>13 Q. Go ahead.</p> <p>14 A. That's my belief. I can't, 100 percent, say why the</p> <p>15 City kept him, but it would appear to myself and other</p> <p>16 officers as we've discussed it, that that is why Officer</p> <p>17 Furman still is employed with the City of Melvindale.</p> <p>18 Q. Did you appear at a Public Safety Commission meeting at</p> <p>19 one point and raise a question or a concern about towing</p> <p>20 numbers?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Can you tell us roughly when that would have</p> <p>23 been, or exactly if you know?</p> <p>24 A. Honestly, it would have been, I believe, a day or two</p> <p>25 before Chief Hayse's suspension.</p> |
| <p style="text-align: right;">Page 58</p> <p>1 to the station or makes a verbal complaint, either on</p> <p>2 the phone or walks in and doesn't fill out the form?</p> <p>3 What happens then; if you know?</p> <p>4 A. I believe it depends on -- kind of all circumstances</p> <p>5 come into play, I believe, at that point, on whether</p> <p>6 they believe that the complaint is credible, what the</p> <p>7 complaint is, if the complaint is something that is</p> <p>8 reviewable at that point.</p> <p>9 Most -- if the complaints would be over the phone,</p> <p>10 it would probably generally go right to the office of</p> <p>11 the chief, so I wouldn't really hear most of those.</p> <p>12 However, we do have some people who complain at the</p> <p>13 front office window and don't want to fill out the form,</p> <p>14 and those are still investigated to the best -- the</p> <p>15 ability of -- usually at that point, a lieutenant will</p> <p>16 handle that because it's harder to investigate those</p> <p>17 with less detail, as far as what's in the complaint.</p> <p>18 Q. Okay. I don't know if you're aware of this, but we've</p> <p>19 gotten the data on the tows, and we see the number of</p> <p>20 tows during the first six months under Gene's was 368.</p> <p>21 This is in 2015.</p> <p>22 A. Okay.</p> <p>23 Q. And then Gene's contract ended, I think, in June, and</p> <p>24 Goch took over, and then there were 1,137 tows in the</p> <p>25 last six months.</p> | <p style="text-align: right;">Page 60</p> <p>1 Q. Okay. And what did you say at the Public Safety</p> <p>2 Commission meeting?</p> <p>3 A. That was the -- it wasn't -- it was their pre-meeting.</p> <p>4 They hold a more closed pre-meeting to kind of discuss</p> <p>5 what they're going to discuss in front of the public</p> <p>6 basically, and that's where this took place.</p> <p>7 And they were discussing hiring the outside</p> <p>8 investigator to look into why the towing numbers were</p> <p>9 down. And the way that they were discussing it, I -- it</p> <p>10 was as if they were almost arguing with Chief Hayse in</p> <p>11 that he needed to push us officers to tow more cars.</p> <p>12 And I raised my hand and waited to be called upon</p> <p>13 to speak. And when they called upon me, I informed</p> <p>14 them -- at that time, I said, "You're wasting your money</p> <p>15 if you're going to hire this investigator. You can</p> <p>16 speak to any officer at this department. Speak to any</p> <p>17 of us, and we will tell you, without a doubt, why the</p> <p>18 towing numbers are down. Furman is mad. He's not</p> <p>19 towing cars. That's why the numbers are down."</p> <p>20 Second of all, I told them that it sounded</p> <p>21 dangerously like they wanted a quota as far as towing</p> <p>22 cars the way that they were speaking about it. And the</p> <p>23 mayor -- Mayor Striz told me I was out of line and</p> <p>24 couldn't talk any more, and I needed to sit down.</p> <p>25 Q. Okay. And this was before the official meeting started?</p> |

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| <p style="text-align: right;">Page 61</p> <p>1 A. The -- they hold -- I can't remember --</p> <p>2 Q. Workshop, I think --</p> <p>3 A. Yes, exactly. Yep. It was at the workshop.</p> <p>4 So, the meeting, I believe, is either a day or two</p> <p>5 days after. That's how I know it was a day or two</p> <p>6 before Chief Hayes was suspended, because I went to the</p> <p>7 following -- the actual meeting.</p> <p>8 Q. And is that open to the public, that workshop?</p> <p>9 A. I don't believe so.</p> <p>10 Q. But some members of the police department were there?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. So, you were told to sit down and not talk about</p> <p>13 this further, something to that effect?</p> <p>14 A. Yes. She told me I was out of line, and I -- I've</p> <p>15 never -- we never had a dialog. It was just I was out</p> <p>16 of line and needed to sit down and not talk any more.</p> <p>17 Q. Did you ever know of any racial profiling by Officer</p> <p>18 Furman?</p> <p>19 A. Yes.</p> <p>20 Q. What did you know of in that regard?</p> <p>21 A. Early on in -- when he started getting into the tows --</p> <p>22 like I said, I think that was around our year mark, once</p> <p>23 the --</p> <p>24 Q. This is around your one-year mark?</p> <p>25 A. Correct.</p> | <p style="text-align: right;">Page 63</p> <p>1 A. Yes. Yes.</p> <p>2 Q. Okay. Did you ever hear him voice his opinion of</p> <p>3 African American people?</p> <p>4 A. Yes.</p> <p>5 Q. What did you hear in that regard?</p> <p>6 A. Any time that officers would question his -- him being</p> <p>7 racist or anything of that nature, him racial profiling,</p> <p>8 anything of that nature, his response was always, "I had</p> <p>9 a black friend once, and he stole from me."</p> <p>10 Q. And therefore what?</p> <p>11 A. That's just how he ended it.</p> <p>12 So, it led anybody reasonably to believe he</p> <p>13 didn't -- he didn't like black people.</p> <p>14 Q. And what we've learned so far is that -- I think from</p> <p>15 him, actually, is that he spent a lot of time on</p> <p>16 Schaefer Road.</p> <p>17 A. Correct.</p> <p>18 Q. Were you aware of that?</p> <p>19 A. Yes. That's where most of his impounds come from, most</p> <p>20 of his day is spent on Schaefer Road.</p> <p>21 Q. Okay. And what is it about Schaefer Road?</p> <p>22 I'm not as familiar with that part of Schaefer</p> <p>23 where -- in Melvindale.</p> <p>24 What's going on there?</p> <p>25 A. It borders -- Schaefer Road is our border with Detroit.</p> |
| <p style="text-align: right;">Page 62</p> <p>1 Q. So, what year would this be?</p> <p>2 A. This would have been 2013.</p> <p>3 Q. Okay.</p> <p>4 A. Maybe early 2014, somewhere in that time frame.</p> <p>5 Q. Okay.</p> <p>6 A. That's when he got big into towing cars and looking for</p> <p>7 reasons to tow cars and that nature.</p> <p>8 It appeared to myself and numerous other officers</p> <p>9 on the -- at the department that most of his impounds</p> <p>10 were coming from African American drivers. It just -- I</p> <p>11 mean, by -- I'm confident, if you were able to pull the</p> <p>12 ticket numbers in that time frame, that most of his</p> <p>13 impounds and tickets were to African American drivers.</p> <p>14 Q. Did he talk about stopping African American drivers at</p> <p>15 all?</p> <p>16 A. He never verbalized that, no. I think he -- I think he</p> <p>17 knew that that would -- would really --</p> <p>18 MS. BALIAN: Objection to what you think he knew.</p> <p>19 Calls for speculation.</p> <p>20 BY MS. GORDON:</p> <p>21 Q. You can go ahead and offer your opinion.</p> <p>22 A. Yeah. I think that he knew that that would look</p> <p>23 inappropriate. So --</p> <p>24 Q. Okay. But this was an observation that you and others</p> <p>25 made? Is that what you're saying?</p> | <p style="text-align: right;">Page 64</p> <p>1 Q. Uh-huh.</p> <p>2 A. So, a lot of, I guess, towable cars are on Schaefer.</p> <p>3 There's a lot of no insurance, a lot of -- especially</p> <p>4 now, what he targets are defective equipment, mostly</p> <p>5 cracked windshield, because he can stop for that.</p> <p>6 Chances are, they're not going to have insurance and he</p> <p>7 tows them.</p> <p>8 Q. So, when you say that's mostly what he's doing, why do</p> <p>9 you say that?</p> <p>10 Are you aware of what he's doing?</p> <p>11 A. Yes. I mean, we can pull up the reports. If you</p> <p>12 impound a vehicle, you have to do a report on it. So,</p> <p>13 you can check the reports at any time as long as you</p> <p>14 have access to the system, which, when you're on duty,</p> <p>15 you can check the reports at any time, as far as the</p> <p>16 reports from the previous day or weeks, whatever.</p> <p>17 And also, once I became a corporal, I was actually</p> <p>18 in charge of approving some of the reports, and that was</p> <p>19 a majority of the reports that were turned in by Officer</p> <p>20 Furman --</p> <p>21 Q. I see.</p> <p>22 A. -- were for defective equipment and no insurance to a</p> <p>23 tow --</p> <p>24 Q. So, he was --</p> <p>25 A. -- for impound.</p> |

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| <p style="text-align: right;">Page 65</p> <p>1 Q. -- spending his day --</p> <p>2 THE REPORTER: Excuse me?</p> <p>3 A. To a tow and impound.</p> <p>4 BY MS. GORDON:</p> <p>5 Q. So, he was spending his day, pulling over people with</p> <p>6 cracked windows so he could then tow them because they</p> <p>7 didn't have insurance?</p> <p>8 A. The majority of it, yes.</p> <p>9 (Discussion held off the record.)</p> <p>10 BY MS. GORDON:</p> <p>11 Q. You mentioned citizen complaints and Furman previously.</p> <p>12 What do you know in that regard? Anything in</p> <p>13 particular that you recall?</p> <p>14 A. He received -- we actually, sadly, became kind of a joke</p> <p>15 at the department between myself and other officers,</p> <p>16 including -- Officer Furman is aware of this -- that we</p> <p>17 said that you can basically copy and paste the narrative</p> <p>18 of the citizen complaints and just change the</p> <p>19 complainant and maybe location, date and time, that kind</p> <p>20 of thing. But most of his complaints were the same;</p> <p>21 that he talked down to them; that he was just</p> <p>22 inappropriate in his tone, as well as he would get abuse</p> <p>23 of force once in a while. And a lot also were racial</p> <p>24 profiling, a lot of African American people were --</p> <p>25 especially in the beginning, were coming in, stating</p> | <p style="text-align: right;">Page 67</p> <p>1 Do you know of any others? Anything about a woman</p> <p>2 who he dragged out of the car?</p> <p>3 A. Yes.</p> <p>4 Q. Have you heard about that one?</p> <p>5 A. Yes. Yes.</p> <p>6 Q. What was that about?</p> <p>7 A. That was a traffic stop. I don't know the legality of</p> <p>8 the stop. However, he was impounding the vehicle, and</p> <p>9 she was refusing to get out of the vehicle. And so</p> <p>10 Officer Furman forcefully pulled her out of the vehicle.</p> <p>11 And I -- I know that he pushed her over the hood, I</p> <p>12 believe, of the patrol car and actually dry stunned her</p> <p>13 with his TASER, and then, once the vehicle was</p> <p>14 impounded, let her go.</p> <p>15 So, she filed a complaint, and I believe a lawsuit</p> <p>16 as well.</p> <p>17 Q. Okay. Did you ever hear him talk about that at all?</p> <p>18 A. I asked him about it on a personal note as, like I said,</p> <p>19 we were friends. It's -- it's -- any officer that I've</p> <p>20 ever spoke to -- now, I've had family in law</p> <p>21 enforcement. I have many, many friends in law</p> <p>22 enforcement, especially now with time on the job. Any</p> <p>23 time you have to put your hands on someone, you have --</p> <p>24 at that point, if you have reason to put your hands on</p> <p>25 someone and you do so, they are to go to jail. That's</p> |
| <p style="text-align: right;">Page 66</p> <p>1 that they believed that they were being stopped by him</p> <p>2 because they were African American.</p> <p>3 Q. Okay. Do you know whether any of those were</p> <p>4 investigated? Do you happen to --</p> <p>5 A. At that time, I was not privy to the investigation, so I</p> <p>6 wasn't on the union board when those -- most of those</p> <p>7 complaints were coming in. However, I know that the --</p> <p>8 like I said, that the complaint would have gone to Chief</p> <p>9 Hayse, and I would believe that it was investigated.</p> <p>10 Q. Do you think Furman had more citizen complaints than the</p> <p>11 other officers?</p> <p>12 A. I know that he did.</p> <p>13 I -- actually, I take that back.</p> <p>14 I do know that those incidents were investigated</p> <p>15 because throughout his career, Officer Furman has been</p> <p>16 disciplined based off those complaints and that he has</p> <p>17 been sent to a couple different re-trainings and also</p> <p>18 sent to a counselor as far as trying to help him, you</p> <p>19 know, so that way these complaints would stop and he</p> <p>20 could honestly be a better officer.</p> <p>21 Q. Become more effective?</p> <p>22 A. Yes.</p> <p>23 Q. Yeah.</p> <p>24 You've mentioned one excessive force or abuse of</p> <p>25 force, as you just said, complaint.</p> | <p style="text-align: right;">Page 68</p> <p>1 just -- I've never -- this is the one and only time I've</p> <p>2 ever heard of an officer forcefully putting his hands on</p> <p>3 a suspect and they didn't go to jail -- or, you know,</p> <p>4 God forbid, what if they have to go to the hospital.</p> <p>5 But they're in custody anyway.</p> <p>6 This is the only time I've ever heard of that.</p> <p>7 So, I asked Furman why he -- what his thought</p> <p>8 process was, why he did that, because I -- it makes</p> <p>9 about as much sense to me as MSP's investigation or lack</p> <p>10 thereof. And he told me that he didn't want to come in</p> <p>11 and book her because that took up his time, and he</p> <p>12 wanted to get back to towing.</p> <p>13 Q. Okay. I'm going to hand you this tow report from</p> <p>14 Mr. Jackson.</p> <p>15 Did Mr. Coogan have any reason, as far as you know</p> <p>16 of, to be involved in why -- how many cars were being</p> <p>17 towed, who was towing them, police discipline?</p> <p>18 Did he have any role in that?</p> <p>19 MS. BALIAN: Objection. Lack of foundation.</p> <p>20 A. Not that I'm aware of. It's my understanding that</p> <p>21 Mr. Coogan's role with the City is basically to advise</p> <p>22 the City on legal matters and what the best course of</p> <p>23 action would be for the City. So, as far as</p> <p>24 disciplining officers, I would believe his only role</p> <p>25 would be to inform the City if they had legal reason to</p> |

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| <p style="text-align: right;">Page 69</p> <p>1 do so. Short of that, I don't know what else his role 2 would be. 3 BY MS. GORDON: 4 Q. I had one follow-up to what you were saying a second 5 ago. I'm just going to go back. 6 What family do you have in law enforcement? 7 You mentioned that. 8 A. My father was an officer. His father was an officer. 9 My dad's uncle was an officer. And I believe he said 10 like -- which I never met, but he had like three cousins 11 that were officers. 12 Q. Okay. Are these local communities -- 13 A. Yes. 14 Q. -- in Michigan? 15 A. Yeah. 16 My dad was an officer in Auburn Hills. My grandpa 17 was an officer with Pontiac P.D., and it would have been 18 my great uncle was actually the undersheriff of Oakland 19 County. 20 Q. Okay. All right. 21 So, do you have any idea of why Larry Coogan would 22 have been interviewed as part of the investigation into 23 why towing numbers were down? 24 A. No. I would think that that would be a waste of time. 25 He would have no knowledge of that, unless having spoke</p> | <p style="text-align: right;">Page 71</p> <p>1 some of you officers might be questioned or talked to. 2 A. It would have been -- that they were actually doing 3 that, I learned that at that workshop. I'm not sure 4 what the exact date on that was, but that workshop. 5 Q. Okay. So, you've already made the point -- the rather 6 obvious point like, "You don't really need to do an 7 investigation. We all already can see why the numbers 8 are down"? 9 A. Right. I informed the entire council that they could 10 speak to any officer at the department, top, highest 11 seniority, lowest seniority. Everyone there knew why 12 the numbers were down. 13 Q. Okay. 14 A. Furman was very verbal, you know, about his -- him being 15 upset and his idea to stop towing for a while. 16 Q. Right. And, actually, that's right in the report. I 17 mean, that's written down right in the report. 18 A. Yeah. 19 Q. Furman doesn't want to tow. He's, you know, upset. 20 A. Yeah. 21 Q. So, what was your understanding of what was going to 22 happen with an "investigation"? 23 Because this says -- the document says that 24 Jackson's coming in to determine the reasons for the 25 fluctuation in towing activity by the Melvindale Police</p> |
| <p style="text-align: right;">Page 70</p> <p>1 to Officer Furman. 2 Q. All right. So, when did you first hear there was going 3 to be this investigation by Lawrence A. Jackson? 4 Well, I guess you didn't know who it was. 5 A. Around that time of that workshop. 6 That's actually why I was going. 7 Q. Ah. 8 A. I wanted to hear what was happening. At that time, I 9 was on the union board. So, I wanted to represent the 10 patrol union, and I -- so, that way I can inform the 11 other patrol officers what was going on. We were all 12 kind of in the dark at that point. 13 And so we were -- I wanted to be able to inform the 14 other officers what was happening. 15 Q. I see. 16 You were trying to obtain some information? 17 A. Yes. 18 Q. Okay. So, you learned about this, how? 19 And by the way, the date of his -- his report was 20 submitted, if this helps you time-wise, is August 9, 21 2016. 22 So, what's the first thing you learned about that? 23 A. About the conclusion of his investigation? 24 Q. No. About the fact that somebody was going to be coming 25 in, and that the police -- I assume the idea was that</p> | <p style="text-align: right;">Page 72</p> <p>1 Department. 2 Did you understand that there were going to be 3 interviews? 4 A. The City never told us anything. We found -- the way we 5 found out that it had started and that he was going to 6 contact some of us is, he called -- somehow he got one 7 of our officer's personal cell phone numbers, which 8 really upset that officer. So, that had to come from 9 the City, and called that officer on the phone and 10 was -- you know, stated "I'm So-and-So. I'm 11 investigating the towing situation." 12 And we, as a union, decided that we would not speak 13 to him over the phone because we -- obviously, over the 14 phone, he could have been anybody. 15 You know, we just, as a union, decided that we 16 weren't going to speak on the matter with anybody. We 17 told the City up front that the investigation was 18 pointless. 19 Q. Who did you tell? The Public Safety Commission? 20 A. Yes. 21 Q. Okay. So, some people were interviewed. 22 A. I know that he contacted at least two officers. I don't 23 know -- I don't believe they actually gave him much 24 information, if any, but I don't know 100 percent for 25 that. I wasn't there when those conversations took</p> |

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| <p style="text-align: right;">Page 73</p> <p>1 place. This is just what they told me after the fact.</p> <p>2 Q. So, here is what the report says:</p> <p>3 "Four members of the patrol division were</p> <p>4 asked to interview."</p> <p>5 So, he picked four people to ask.</p> <p>6 A. Yes. I was told that he contacted a few.</p> <p>7 Q. And one declined.</p> <p>8 So, there were three apparently that he talked to.</p> <p>9 A. Okay.</p> <p>10 Q. And Furman is one of them, according to this report.</p> <p>11 A. Okay.</p> <p>12 Q. He says:</p> <p>13 "During these interviews all officers</p> <p>14 requested anonymity in this report. To honor</p> <p>15 their request, names of the interviewees are</p> <p>16 not included here. The single exception is</p> <p>17 Corporal Matthew Furman. Furman agreed to be</p> <p>18 identified as he is central to many of the</p> <p>19 issues in this report."</p> <p>20 So, we know it's Furman, and then there's two</p> <p>21 others.</p> <p>22 Do you happen to know if Easton was one of them?</p> <p>23 A. He would have been in the supervisor's union, and I</p> <p>24 don't know. Officer Easton and I don't speak whenever</p> <p>25 it can be avoided.</p> | <p style="text-align: right;">Page 75</p> <p>1 A. He's hardworking. Nobody trusts him. Most officers</p> <p>2 feel he shouldn't be a cop.</p> <p>3 Q. Okay. So, I'm going to hand you the document I referred</p> <p>4 to early on, which is the policy review by Jackson.</p> <p>5 It's Bates stamp 1273 through 1283.</p> <p>6 I'm not going to ask you about all of it.</p> <p>7 A. Okay.</p> <p>8 MS. GORDON: Melinda?</p> <p>9 MS. BALIAN: Thank you.</p> <p>10 BY MS. GORDON:</p> <p>11 Q. Have you seen this before?</p> <p>12 A. No.</p> <p>13 Q. Okay. Let's go to -- all right. I'm going to have you</p> <p>14 read the first page.</p> <p>15 A. Okay.</p> <p>16 All right.</p> <p>17 Q. Okay. So, you see here that Jackson is talking about</p> <p>18 factors, and you can have external factors and you can</p> <p>19 have internal factors within the control of the City.</p> <p>20 What is your opinion on his point about there are</p> <p>21 some things that are within the control of the City?</p> <p>22 And by that, I mean with regard to your particular</p> <p>23 department and towing.</p> <p>24 A. There are things that the police department could</p> <p>25 control that would affect the numbers of tows, in</p> |
| <p style="text-align: right;">Page 74</p> <p>1 Q. Why is that?</p> <p>2 A. Officer Easton hates me and has been trying to get me</p> <p>3 fired for about three and half years.</p> <p>4 Q. Why is that as you understand?</p> <p>5 A. I don't know. I've actually asked around to the guys at</p> <p>6 the department what his issue is with me.</p> <p>7 The only explanation I was ever given was, when I</p> <p>8 became a detective, it really upset Officer Easton -- or</p> <p>9 at the time Sergeant Easton -- due to the fact that he</p> <p>10 enjoys power and authority, and I didn't answer directly</p> <p>11 to him any more. I had a sergeant and a lieutenant in</p> <p>12 the detective bureau that I answered to directly, and I</p> <p>13 was told that that upset him.</p> <p>14 But that's the only answer I've ever been given.</p> <p>15 Q. Okay. And by the way, how -- how are you getting along</p> <p>16 with Chief Allen?</p> <p>17 A. We're on -- we're good.</p> <p>18 Q. And how about Lieutenant Welch, when he was still there</p> <p>19 and around?</p> <p>20 A. We were fine.</p> <p>21 Q. Okay. And how about Chief Hayes?</p> <p>22 A. We're friends.</p> <p>23 Q. Okay. What was the officers in the department, the</p> <p>24 non-command staff's takeaway, from what you could</p> <p>25 discern, of Furman?</p> | <p style="text-align: right;">Page 76</p> <p>1 that -- actually since this has happened -- this was</p> <p>2 later than this, we have gone to a different patrol</p> <p>3 system in the way we patrol the City. We've actually</p> <p>4 broke it up into two zones, an A zone and a B zone.</p> <p>5 Had this happened at this time, Corporal Furman's</p> <p>6 supervisor could have put him off of Schaefer, which</p> <p>7 would have -- he still would have found tows, I'm sure,</p> <p>8 but I know it would have knocked the numbers down.</p> <p>9 So, that -- it could have happened. However, like</p> <p>10 I said at this time, this was not in place. This didn't</p> <p>11 happen until roughly a year later.</p> <p>12 Q. Okay. If you go to the second page, and under</p> <p>13 "Documents Reviewed" -- I'm sorry. Under "Interviews,"</p> <p>14 it says four members were interviewed. It gives the</p> <p>15 dates. It says Larry Coogan was interviewed. Mike Goch</p> <p>16 was interviewed.</p> <p>17 And then it says:</p> <p>18 "During the interviews, all participants</p> <p>19 agreed that Corporal Matt Furman produces the</p> <p>20 largest amount of impounded vehicles. All three</p> <p>21 attributed the drop in impounded vehicles as a</p> <p>22 result of his absence on the road."</p> <p>23 That's what you've been saying. Everybody -- that</p> <p>24 was widely understood; correct?</p> <p>25 A. Right. Yes.</p> |

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| <p style="text-align: right;">Page 77</p> <p>1 Q. Okay. Now go down to Point Number 1 under "Interview 2 Content," where it says: 3 "During these interviews, it quickly became 4 clear --" 5 and just for the record, let me stop myself. 6 This is Furman, I guess, and two other people he's 7 talking about, unless he's including Coogan. 8 "During these interviews, it quickly became 9 apparent that there was considerable personal 10 emotion and conflict associated with the 11 impound/towing issue. All officers stated that 12 Chief Hayse and Lieutenant Welch hate Mike Goch 13 and his company. All related experiences where 14 the chief and lieutenant ordered officers 'not to 15 make that fucking Goch more money.' They 16 mentioned this was a typical comment whenever 17 Corporal Furman or others requested towing 18 services." 19 Do you have any information on the point made in 20 Number 1? 21 A. I have never heard Chief Hayse or Lieutenant Welch state 22 that they hate Mike Goch nor did I ever hear Chief Hayse 23 or Lieutenant Welch make the following statement of "not 24 to make that fucking Goch any more money." 25 I will say that our entire department was happy</p> | <p style="text-align: right;">Page 79</p> <p>1 Towing. They are very good friends. They still hang 2 out and speak on a regular basis to this day. 3 Q. What's his name; if you recall? 4 A. I can look it up, if you would like -- 5 Q. That's okay. 6 A. -- but I don't recall off the top of my head. 7 Q. Okay. 8 A. Oh, it's Paul, because it's the owner. His name is 9 Paul, and it's Paul, Jr. 10 Q. Okay. Number four: 11 "Officers related a frequent stream of 12 invective into Goch and his company. They 13 mentioned several times that Welch told them 14 that Goch is a crook." 15 I think you've already addressed this, but I'd like 16 you to specifically talk about that, whether you ever 17 heard that or not? 18 A. Not that specific phrase, but I -- like I said, our 19 entire department, and then you can look at the numbers 20 and see that they charged much more than Gene's did. We 21 all felt that -- and myself included that Goch was kind 22 of ripping off our citizens. Having your car impounded 23 is bad enough, and then, to make it worse, a lot of -- 24 especially since the switchover to Goch, a lot of people 25 had a hard time getting their car back out. Usually --</p> |
| <p style="text-align: right;">Page 78</p> <p>1 with Gene's. So, none of us, including Officer Furman, 2 wanted to switch over to Goch, including -- officers did 3 complain about Goch's company, never about Mike 4 personally, at least not in front of me. The service 5 was much faster for Gene's, especially at the beginning, 6 which is probably normal, but it's also normal for 7 people to not like change. 8 So, the department didn't want the change. We 9 wanted to keep Gene's. And officers, including Officer 10 Furman and myself, felt that Goch -- I mean, it's true. 11 Goch charged a lot more money than Gene's would. We 12 felt our citizens were being ripped off. And, again, 13 that included Officer Furman. 14 Q. Uh-huh. 15 A. But I never heard those statements made that are in that 16 point. 17 Q. Go to Number 2, if you would. 18 It's an attribution to some witnesses who did not 19 cite their source, and they're just theorizing that 20 Hayse and Welch were personal friends with the owner of 21 Gene's Towing and so on. 22 Do you know anything about Point Number 2 there? 23 A. The only friends that I know that were between our 24 department and anybody a part of Gene's Towing was 25 Corporal Furman with the son of the owner of Gene's</p> | <p style="text-align: right;">Page 80</p> <p>1 especially with Furman's tows was for no insurance. 2 Most of the time that that happened was because the 3 people couldn't afford insurance, which -- and, again, 4 it was legal for him to tow those cars, but then you 5 give them this astronomical towing fee and impound fee 6 that they can't afford because they just had to get 7 insurance on their car that they already couldn't afford 8 because they can't get it out without insurance, it just 9 seemed almost like you were double-dipping them at that 10 point. And that was the opinion of most of the officers 11 at the department. 12 Q. Look at Number 6, if you would, please, on the next 13 page. 14 "All interviewees related hearing Chief 15 Hayse and Mike Welch disparaging city 16 administrators, including the city council and 17 the city attorney, as being on the take." 18 Did you ever hear that? 19 A. No. 20 Well, not from them. I've heard, through this 21 investigation, that people are alleging that Chief Hayse 22 had said that. 23 So, I've heard of that allegation, but I've never 24 heard that come from Chief Hayse or Lieutenant Welch. 25 Q. And how about the next part?</p> |

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| <p style="text-align: right;">Page 81</p> <p>1 "They also witnessed them --"</p> <p>2 that would be Welch and Hayse --</p> <p>3 "-- calling the mayor a 'bitch,' 'whore,'</p> <p>4 'slut,' 'cunt' in the presence of officers."</p> <p>5 Have you ever heard anything about that?</p> <p>6 A. No.</p> <p>7 I honestly believe that statement to be a lie.</p> <p>8 I've never heard -- as I stated earlier that Chief Hayse</p> <p>9 and I are friends. I've never heard Chief Hayse use</p> <p>10 that kind of language, ever, even just in a personal</p> <p>11 setting. And I've never heard Lieutenant Welch say that</p> <p>12 about the mayor or anybody on the city council.</p> <p>13 Q. Did you know Welch was -- I'll say lost his job, but</p> <p>14 maybe that's not exactly technically correct, because he</p> <p>15 allegedly lied at the hearing about this?</p> <p>16 A. I was informed that they were going to fire him at</p> <p>17 that -- his meeting or whatever, and that basically the</p> <p>18 union was able to kind of argue back for him to only be</p> <p>19 suspended for 30 days.</p> <p>20 Q. And did you -- were you aware it was because Larry</p> <p>21 Coogan, and whoever else, decided that he had lied at</p> <p>22 the hearing about this?</p> <p>23 A. Yes. That's what I was told.</p> <p>24 Q. Did you ever have any officers tell you that they heard</p> <p>25 Welch or Hayse use this kind of language?</p> | <p style="text-align: right;">Page 83</p> <p>1 chief that he has worked for at the City of Melvindale,</p> <p>2 including now Chief Allen.</p> <p>3 Officer Easton is a very vindictive person. Every</p> <p>4 officer there knows it. Half the department has turned</p> <p>5 in letters against him as far as his conduct as an</p> <p>6 officer, whether it be on or off duty, mostly on, which</p> <p>7 I believe would probably be worse.</p> <p>8 So, I believe that Officer Easton did this because</p> <p>9 he wanted to -- he wanted the chief's position.</p> <p>10 And has actually, from what I was told, been</p> <p>11 recorded as saying so on one of our body cameras, that</p> <p>12 he stated that when Chief Hayse was fired that he should</p> <p>13 be chief, that Chief Allen didn't deserve the position,</p> <p>14 that it should be Officer Easton that is the chief.</p> <p>15 So, I believe his reason for doing this was he</p> <p>16 thought that he could possibly become chief.</p> <p>17 BY MS. GORDON:</p> <p>18 Q. What about Officer Kennaley?</p> <p>19 He was the third person -- Furman, Easton,</p> <p>20 Kennaley -- I believe that the record will reflect, that</p> <p>21 backed up these so-called profanities used by Welch and</p> <p>22 Hayse.</p> <p>23 What do you know about Kennaley and a possible</p> <p>24 motivation for him to say that?</p> <p>25 A. I wouldn't know his motivation. Everybody at the</p> |
| <p style="text-align: right;">Page 82</p> <p>1 A. No.</p> <p>2 Q. So, I guess the people that testified to this --</p> <p>3 "testified," that's the wrong word. There was no</p> <p>4 testimony, I don't think.</p> <p>5 But who has talked about this at this hearing was</p> <p>6 Furman. He said that he heard this language.</p> <p>7 So, does that resonate with you with regard to his</p> <p>8 credibility on that?</p> <p>9 A. As I stayed earlier, I believe that statement is just a</p> <p>10 lie.</p> <p>11 When this whole thing came to be, as I, again,</p> <p>12 stated earlier, at that point, it was either Chief Hayse</p> <p>13 who was going to lose his job or Officer Furman who was</p> <p>14 going to lose his job. So, I believe he was in a</p> <p>15 self-preservation mode and was willing to do what needed</p> <p>16 to be done, and he did that.</p> <p>17 Q. And then Easton also said something to that effect.</p> <p>18 Do you know why he would be willing to say those</p> <p>19 things at a hearing?</p> <p>20 A. Excuse me.</p> <p>21 MS. BALLAN: I'm going to place an objection as to</p> <p>22 speculation.</p> <p>23 But you can answer.</p> <p>24 A. It's been told to me that Officer Easton has taken and</p> <p>25 filed formal complaints with the City against every</p> | <p style="text-align: right;">Page 84</p> <p>1 department knows that I'm friends with Chief Hayse. So,</p> <p>2 since this -- since this entire incident happened, it's</p> <p>3 not talked about much in front of me in that they know</p> <p>4 that I support Chief Hayse. So, I would have no idea</p> <p>5 what Officer Kennaley's reason for that would have been.</p> <p>6 Q. How is it you're friends with Chief Hayse?</p> <p>7 Did you meet when you joined the department?</p> <p>8 A. I had probably met him at shift change maybe a dozen</p> <p>9 times prior to me becoming a detective. Once I became a</p> <p>10 detective, we worked the same hours, and it's a small</p> <p>11 department. So, just throughout working together, we</p> <p>12 became friends in that way.</p> <p>13 Q. Okay. And you thought he did a good job as a chief?</p> <p>14 A. Absolutely.</p> <p>15 Q. Okay. What was the morale like there?</p> <p>16 I've heard stuff about morale issues under Chief</p> <p>17 Hayse.</p> <p>18 A. While he was chief?</p> <p>19 Q. Yeah.</p> <p>20 A. I loved working there, including -- specifically for me,</p> <p>21 I became a detective very early in my career which then</p> <p>22 allowed me to go to some more trainings and things of</p> <p>23 that nature, which would have -- would look really</p> <p>24 promising on a resumé. And to be honest, our department</p> <p>25 doesn't pay that great, and we don't have a pension. I</p> |

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| <p style="text-align: right;">Page 85</p> <p>1 had numerous people, including some of the command from 2 our department, stating that I should probably leave, go 3 to a department that would pay more money and definitely 4 give me a pension with having -- being able to put those 5 things on my resumé. 6 I never even applied any place else 99 percent due 7 to the morale at this department. The guys -- almost 8 all the guys got along. We would hang out together 9 outside of work. It was relaxed, which suited me. I 10 enjoyed it. 11 Q. And what's happened since this whole situation with 12 Chief Hayse and him being taken down? 13 A. Where we're at currently today, I would say we're 14 getting close to getting back to that. Where we were at 15 when Chief Hayse was fired was horrible. 16 There was only two officers at the department that 17 were happy at the department, including Officer 18 Kennaley. He was not happy with what happened. The 19 only two officers that were happy were Sergeant Easton 20 and Officer Furman, including Sergeant Easton trying to 21 throw it in my face -- I think to bait me to get me in 22 trouble. He kept telling me how great it was now 23 there -- I mean specifically to me, which, again, 24 everybody knew at that point that I was friends with 25 Chief Hayse. Which I -- I had officer or chief -- at</p> | <p style="text-align: right;">Page 87</p> <p>1 "A vocal campaign of negative comments and 2 actions was reported by all officers." 3 Again, we're talking about three people. 4 A. Okay. 5 Q. (Reading.) 6 "Even Mr. Goch had heard some of the 7 stories regarding the rejection of his food 8 and flower donations. This tension is 9 affecting the police department. The question 10 is, how much? The anger and verbal direction 11 from Chief Hayse and Lieutenant Welch are 12 communicated very effectively." 13 Do you know what that is in reference to? 14 A. Numerous officers, including myself, not under any 15 direction by Chief Hayse or Lieutenant Welch, but under 16 our own power, if you will, would reject eating the food 17 that Mike Goch was bringing because it appeared 18 inappropriate. It was as if he was trying to bribe us 19 into giving the contract to him for his towing company. 20 So, many officers, like I said, including myself, 21 didn't want to eat the food that he was bringing. 22 Again, it just seemed very inappropriate. 23 I was unaware of any flower donations, though. 24 Q. There's been evidence in this -- I think it was a 25 Christmas poinsettia or something like that.</p> |
| <p style="text-align: right;">Page 86</p> <p>1 the time Chief Allen look into that because I wanted 2 that to stop. I didn't want him throwing it in my face 3 that my friend was just fired. It was inappropriate for 4 any workplace, which I had other officers hear him say, 5 but Sergeant Easton lied about it and said he didn't say 6 it, so the investigation was dropped at that point. 7 But all the officers were just kind of down. They 8 stopped -- we honestly kind of just even stopped joking 9 around with each other because you were afraid what -- 10 honestly what Sergeant Easton or what Officer Furman 11 would go and tell the City you said, whether you 12 actually said it or not. So, you didn't even want to 13 really get close to any sort of boundary or anything of 14 that nature. 15 It was just very stiff. Nobody enjoyed it, 16 including Chief Allen who got promoted to chief. He 17 didn't like it. In fact, I still don't think he's very 18 happy. He's kind of -- like I said, he's just now kind 19 of smoothing out the waters and getting everything back 20 to normal, but -- 21 Q. On page 1277 of this report -- let me see what 22 paragraph. 23 It's the next page actually. It's "Conclusion 2." 24 It's on the bottom, 1277. It's under "Conclusion 25 2."</p> | <p style="text-align: right;">Page 88</p> <p>1 A. Okay. 2 Q. There's been some testimony in this case that -- or some 3 evidence -- I'm not sure if it's testimony -- that 4 Furman has told people he has tapes of Chief Hayse -- I 5 think it's something like directing him to -- this would 6 be a paraphrase -- "stop African American drivers and 7 impound their cars," or something to that effect. 8 A. It was me he told that to. 9 Q. Oh, okay. Go ahead. 10 What did he say? 11 A. Whenever Chief Hayse's name is brought up in front of 12 Officer Furman, it immediately is followed by, "That guy 13 is an asshole," or "That guy is --" it's derogatory, 14 always from Officer Furman in regards to Chief Hayse. 15 And the last time that that came up was, say, 16 roughly a month ago, somewhere in that time frame. And 17 I don't -- I don't remember the context of the 18 conversation as to why we were speaking of Chief Hayse, 19 but it was in front of Officer Furman, and he 20 immediately went to "Oh, F that guy. He's just an 21 asshole." 22 And I immediately told Officer Furman to stop, and 23 that he knows I'm his friend. When I was friends with 24 Officer Furman and he was getting in trouble at the 25 department, I didn't let the guys talk bad about him in</p> |

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| <p style="text-align: right;">Page 89</p> <p>1 front of me. I'm not going to let Officer Furman talk 2 bad about Chief Hayse in front of me. I just -- it's 3 not appropriate. I don't want to hear it. If you want 4 to go to your buddies and mouth Chief Hayse, then do it 5 outside of work. It's just not appropriate. 6 And he said something along the lines of "If you 7 only knew." 8 So, I inquired. I said, "What are you talking 9 about?" 10 And he said, "Chief Hayse --" well, he doesn't -- 11 he goes, "Hayse -- I've got audio and visual recordings 12 of Hayse ordering me to target minorities." 13 And that's a quote from Officer Furman. Those were 14 his exact words to me. 15 And I -- so, I asked him to let me see them or hear 16 them. He said that he would. 17 And the next time I saw Officer Furman was 18 within -- within a week, anyway. The next time I saw 19 him was, again, at work. I asked him about the 20 recordings, and he stated that he couldn't show them to 21 me because his attorney told him not to. 22 Q. Did he say who his attorney was? 23 A. I didn't ask; he didn't say. 24 Q. So, what did you make of that? Did you think he was 25 lying?</p> | <p style="text-align: right;">Page 91</p> <p>1 happening without at least being able to either resell 2 the car or getting something from it, because, 3 obviously, somebody else would have purchased the 4 vehicle. 5 So, I would either help with that or help in that I 6 would write down which car sold to which bidder, which 7 bidder number, and the price that it sold for. And 8 then, back at the station, I would collect the money and 9 write out a receipt to the buyer for that. 10 Q. So, this was while Goch & Sons was doing the towing? 11 A. Correct. It was only while Goch and Sons was there. 12 Q. Am I correct that there has to be a police officer 13 present at the auction by law? 14 A. I don't know about that. That makes sense to me, but I 15 don't know about that for sure. 16 Q. Was there always a Melvindale police officer present? 17 A. Every auction that I was a part of, there was at least 18 three. 19 Q. Okay. And somebody from Goch was there as well? 20 A. Correct. Goch actually ran the auction. Not Mike 21 himself, but the company ran the auction and that of 22 calling out prices and which car we were on and things 23 like that. 24 Q. Who used to do that before Goch got the contract? So -- 25 A. As far as who ran it?</p> |
| <p style="text-align: right;">Page 90</p> <p>1 A. I know he was lying. Chief Hayse would never do that. 2 Q. Okay. All right. Were you ever involved in auctions? 3 A. Yes. 4 Q. Okay. When was that? 5 A. It was towards the end of my being in the detective 6 bureau, so that was the end of 2016. So, it was 7 probably the last maybe year that I -- maybe a little 8 longer than that, that I was in the detective bureau. 9 So, around about 2016 to 2017. 10 Q. Okay. And what was your role? 11 A. I would assist Lieutenant Welch in getting the cars 12 ready for auction, meaning removing the license plates 13 and researching the vehicles just in case the officers 14 that impounded them missed anything, whether it be 15 narcotics, a gun, needles anything that -- illegal that 16 obviously we don't want in the vehicle that we're 17 selling. 18 And then, on the day of the auction, I would be 19 present at the auction, again with Lieutenant Welch. I 20 would -- the way that they ran it varied from -- 21 sometimes from auction to auction. I would either help 22 collect the -- I don't -- not a donation but if -- a 23 deposit. If you purchased a vehicle, you had to leave a 24 deposit with us before you left because sometimes we -- 25 people would change their mind. We didn't want that</p> | <p style="text-align: right;">Page 92</p> <p>1 Q. Yeah. 2 A. I was told it was us. I don't know specifically who, 3 but I was told it was the police department who would 4 run the auction before, when it was Gene's. 5 Q. Did Goch do anything other than what you've just 6 described, which would be to describe the vehicle and 7 take bids? 8 Did they play any other role? 9 A. Not that I can think of. 10 Well, they were the ones who would take everybody's 11 license and give them a bidder number. 12 Q. Okay. 13 A. So, they were in charge of that. That's the way they 14 ran it during the auctions that I was a part of. 15 That way, basically, we held onto your license in 16 case you didn't give a deposit. Again, it was just kind 17 of an insurance thing. 18 Q. Okay. And how many people typically attended these 19 auctions? 20 A. That depended mostly on the weather. 21 For the nicer days, it may be 30 to 40 people. 22 In the winter months, maybe 20 to 30. 23 Q. And how many auctions were there? How often did they 24 occur? 25 A. At that point we were doing one every other month.</p> |

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| <p style="text-align: right;">Page 93</p> <p>1 Q. Okay. And did that change?</p> <p>2 A. I think it has changed now, but I don't know --</p> <p>3 Q. Okay.</p> <p>4 A. -- for sure.</p> <p>5 Q. So, you were there, when you were in the detective</p> <p>6 department, to fill out paperwork?</p> <p>7 A. For the auction?</p> <p>8 Q. Uh-huh.</p> <p>9 A. Excuse me. Yes.</p> <p>10 And then, again, once we returned to the station,</p> <p>11 that's where we would collect the payments for the</p> <p>12 vehicles and give them the paperwork and the keys and</p> <p>13 all that. That would actually happen back at the</p> <p>14 station.</p> <p>15 So, once back at the station, I actually was the</p> <p>16 one who collected the money, for every auction that I</p> <p>17 was a part of, and would fill out the receipts for the</p> <p>18 payments.</p> <p>19 Q. Was the money in cash usually or not?</p> <p>20 A. The only people that we would take a payment other than</p> <p>21 cash from was somebody that Lieutenant Welch and</p> <p>22 Sergeant Slaughter had -- were comfortable that they had</p> <p>23 been to many auctions. It was usually salvage yards who</p> <p>24 would purchase five, six, seven cars at each auction and</p> <p>25 had been to multiple auctions, and that the checks had</p> | <p style="text-align: right;">Page 95</p> <p>1 Q. How about -- go ahead.</p> <p>2 A. But I do know from Officer Furman and I talking about it</p> <p>3 that he's purchased multiple -- that Officer Furman has</p> <p>4 purchased multiple vehicles from our auctions.</p> <p>5 Q. How about Goch? Did he ever purchase vehicles, or his</p> <p>6 son or family members?</p> <p>7 A. Yes. I do know that vehicles were purchased for him. I</p> <p>8 don't -- I don't think -- in fact, I know that he never</p> <p>9 bid on them while at the auctions I was at, but I was</p> <p>10 told that the -- some of the vehicles were purchased for</p> <p>11 people in his family.</p> <p>12 Q. Were you aware Furman would walk through the auto</p> <p>13 impound lot a few days before the auction to sort of see</p> <p>14 what was available?</p> <p>15 A. Yes. I've personally seen him do that. Sometimes he</p> <p>16 would come down while Lieutenant Welch and I were</p> <p>17 prepping the vehicles, like I said, taking the plates</p> <p>18 off and re-searching them and that. He would go down</p> <p>19 there and see what was up for auction.</p> <p>20 Q. Did -- were you aware of a girlfriend of Matthew</p> <p>21 Furman's ever purchasing a car for him or a friend?</p> <p>22 A. No, I wasn't aware of that.</p> <p>23 Q. Did you ever hear a citizen complaint being brought</p> <p>24 against him with regard to taking the license of a</p> <p>25 female he stopped?</p> |
| <p style="text-align: right;">Page 94</p> <p>1 always cleared from.</p> <p>2 But anybody who they didn't recognize, it was</p> <p>3 always cash.</p> <p>4 Q. Furman testified that he believed Welch was either</p> <p>5 embezzling money or skimming money.</p> <p>6 Do you have a comment on that based on your working</p> <p>7 on auctions with Welch?</p> <p>8 A. While I was working with him --</p> <p>9 Q. Yeah.</p> <p>10 A. -- it would have been impossible for him to do because</p> <p>11 he never handled the money until it was completely over</p> <p>12 with. I would turn over the money to him at that point,</p> <p>13 but there had already been receipts made and signed by</p> <p>14 me. So, the only way that that could have happened was</p> <p>15 if somebody just add up those receipts.</p> <p>16 Q. And Furman purchased vehicles at these auctions --</p> <p>17 A. Yes.</p> <p>18 Q. -- from time to time?</p> <p>19 A. Yes.</p> <p>20 Q. Did he typically, from the auctions you were at,</p> <p>21 purchase vehicles?</p> <p>22 A. The ones I was at, he was never there personally, but I</p> <p>23 know, as I said earlier, that Mr. Briscoe purchased at</p> <p>24 least one vehicle for Officer Furman at the auctions I</p> <p>25 was at and --</p> | <p style="text-align: right;">Page 96</p> <p>1 A. Yes.</p> <p>2 Q. What did you hear of?</p> <p>3 A. I was told that a female that he was either seeing or</p> <p>4 dating or whatever, what have you, that she filed a</p> <p>5 complaint with the department, that Officer Furman</p> <p>6 stopped her like for a traffic stop, and got her</p> <p>7 driver's license through the course of that stop, and</p> <p>8 then, at the end of the stop, told her that he was going</p> <p>9 to hold onto her license, and she had to come to his</p> <p>10 house to retrieve the license and that -- implying that</p> <p>11 she had to have sex with him to get her license back.</p> <p>12 Q. How did you hear that?</p> <p>13 A. Through an officer at the department, but I don't</p> <p>14 remember who it was that told me.</p> <p>15 Q. Did you have any reason to think it was not true?</p> <p>16 A. No. I honestly hoped it wasn't true because, as I said,</p> <p>17 earlier that officer and I -- Officer Furman and I were</p> <p>18 friends, and it makes us as officers look bad and</p> <p>19 specifically makes our department look bad if something</p> <p>20 like that did happen.</p> <p>21 However, it is known, again, throughout the entire</p> <p>22 department that Officer Furman is a bit of a womanizer;</p> <p>23 that he would date many women and then sleep with a lot</p> <p>24 of women, at least per his own words, you know.</p> <p>25 Obviously, none of us would be there for that, but that</p> |

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| <p style="text-align: right;">Page 97</p> <p>1 would be from his own words that he would kind of, you 2 know, brag about the amount of -- because he was on like 3 a lot of social media or Internet dating sites and 4 things like that. 5 So, he would brag about the amount of women that he 6 would take home. So, it didn't seem out of the realm 7 for him. 8 Q. Did you ever hear him talk about a relationship with 9 Nicole Barnes from the City? 10 A. He never talked about it, and I -- and I heard others 11 talk about it including I -- we would kind of razz him 12 about it a little bit, and -- especially myself and 13 another officer when we -- we would hang out together 14 outside of work, we would again razz him about it. 15 He would always say, "Oh, we're just friends" and 16 kind of laugh about it, but I -- I was with him when 17 I -- and I've seen him text her outside of work reasons. 18 Q. Okay. I've got some questions for you about procedures 19 for verifying whether a driver has valid insurance -- 20 A. Okay. 21 Q. -- when you make a stop. 22 So, walk me through that, if you would. 23 A. Okay. Well, you -- if I were to stop someone for a 24 traffic offense, I always ask them for their driver's 25 license, registration, and proof of insurance.</p> | <p style="text-align: right;">Page 99</p> <p>1 be honest. Or if you really wanted to push it further, 2 you could just call the company that they said that they 3 had insurance through and have them check the -- that 4 person's name, and that company would let you know 5 whether or not there was insurance through that person's 6 name and on what vehicle. 7 Q. Okay. So, the LEIN system carried Secretary of State -- 8 A. Correct. 9 Q. -- info? 10 A. Yep. 11 Q. And that's the info you're saying would not necessarily 12 be completely up-to-date or accurate, reliable? 13 A. Exactly. 14 And we were made -- when the information was -- 15 came out that that was going to be put on the Secretary 16 of State, I guess, page, of LEIN, we were told right up 17 front that it was to be used more as a -- again, as a 18 tool than as a definite yes or no because it wasn't 19 always accurate, including -- I mean, officers would run 20 into that where it would say yes or no but you -- I mean 21 the driver could provide paperwork showing otherwise. 22 Q. All right. So, if you're going to tow -- I get that 23 there's a ticket -- or you'll tell me if this is right 24 or wrong. 25 Can you issue a citation for not carrying proof of</p> |
| <p style="text-align: right;">Page 98</p> <p>1 If they hand me an expired insurance, I would 2 inform them, you know, this insurance is old. Do you 3 have the current one? Sometimes they would say, "Oh, 4 I" -- "Oh, I must have left it at home," or something of 5 that nature. 6 Usually, I would assume that they just don't have 7 insurance on the vehicle anymore, that they let it lapse 8 and -- especially, if it was a couple years old. 9 However, it was a couple years ago where it got put into 10 LEIN where LEIN would tell you whether a vehicle had 11 insurance or not, but we were informed that that wasn't 12 always 100 percent accurate. It would sometimes take a 13 couple days for that to be updated, so it may not be 14 accurate as far as LEIN was concerned. 15 So, we were told not to -- you couldn't use that 16 for validation for a stop, and you really shouldn't 100 17 percent base your reasoning off of that. You could use 18 it, you know, as a tool, more or less. 19 So, if it said "no insurance on the vehicle," you 20 could ask the driver or especially, obviously, if they 21 were the owner of the vehicle, "Hey, you know, I see 22 that" -- "LEIN is telling me that there's no insurance. 23 Do you actually have insurance on this vehicle or not?" 24 Sometimes the person would be honest at that point. 25 They probably felt they were caught in a lie, so they'd</p> | <p style="text-align: right;">Page 100</p> <p>1 insurance as compared to not having insurance? 2 A. Correct. 3 Q. Okay. 4 A. Which as a personal -- from my own experience, that's 5 more so what I would write. Again, generally the reason 6 for people not having insurance is they can't afford it. 7 I try to sympathize as much as I can. Some people, I 8 would still write the "no insurance" ticket to and 9 impound vehicle, sure, but that would again be compared 10 with all the circumstances at the time. 11 But, generally, if somebody didn't have insurance, 12 I would just write them a "no proof of insurance" ticket 13 as a personal way of handling it. 14 Q. Okay. So, you can get a citation for not carrying your 15 proof with you, even if you have insurance, and you can 16 also get a citation for literally not having insurance? 17 A. Correct. 18 Q. Okay. Now, can you tow a car if the person actually has 19 insurance but just didn't carry proof of it with them? 20 A. Legally, no. 21 Q. Okay. So, the tow goes directly to the fact you're 22 driving around out on these streets literally without 23 insurance? 24 A. Correct. 25 Q. Okay. So, if you're going to tow a car for no</p> |

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| <p style="text-align: right;">Page 101</p> <p>1 insurance -- strike that.</p> <p>2 If you're going to tow a car based on insurance, it</p> <p>3 can't just be because there's no proof of insurance in</p> <p>4 the car; it has to be because the person actually</p> <p>5 doesn't have insurance?</p> <p>6 A. Correct.</p> <p>7 Q. Have you ever towed a car for somebody that did not have</p> <p>8 any insurance?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Have you checked to see whether that's, in fact,</p> <p>11 true, as compared to they just don't have the proof on</p> <p>12 them, like the driver says, "No, I really do have</p> <p>13 insurance. I just didn't stick it in my wallet"?</p> <p>14 A. The only times that that would happen would be where I</p> <p>15 would use my discretion and that. I think I've done it</p> <p>16 twice, and the person was very argumentative and rude to</p> <p>17 me, immediately arguing why I stopped them, that I had</p> <p>18 no reason to pull them over. And, therefore, I would</p> <p>19 make my investigation more thorough, meaning I would</p> <p>20 check on all the information that they were giving me.</p> <p>21 And when they couldn't provide the proof of insurance,</p> <p>22 but said, "Oh, I know I have it. It's with such and</p> <p>23 such company," it may only have been once, but I think I</p> <p>24 may have actually called twice. It's very few times</p> <p>25 that I've done that, but I have, yes.</p> | <p style="text-align: right;">Page 103</p> <p>1 his or her arrest.</p> <p>2 What do you do?</p> <p>3 A. Is the registered owner the driver? Are they in the</p> <p>4 vehicle?</p> <p>5 Q. I don't know. I'm going to hand you Bates stamp 4870.</p> <p>6 A. Okay.</p> <p>7 Q. That's a tow tag --</p> <p>8 A. Okay.</p> <p>9 Q. -- for a Furman tow.</p> <p>10 A. Oh, okay. Yeah, he does this.</p> <p>11 What this is, is, we can only release the vehicle</p> <p>12 to the registered owner. Even if you're the brother or</p> <p>13 sister or mother of the registered owner, maybe I don't</p> <p>14 want my brother driving my car, you know, so we can't</p> <p>15 release it to anybody other than the registered owner.</p> <p>16 So, when he does this, what this is, is, the</p> <p>17 registered owner is not in the vehicle and he tows the</p> <p>18 vehicle from the driver, sees that the registered owner</p> <p>19 has a warrant with us, as it says "MEPD warrant,"</p> <p>20 letting the -- whoever is going to be at the desk when</p> <p>21 this vehicle is released know when that person comes in</p> <p>22 that they have a warrant with us.</p> <p>23 Q. Okay.</p> <p>24 A. That's what he's doing there.</p> <p>25 Q. Okay.</p> |
| <p style="text-align: right;">Page 102</p> <p>1 (Discussion held off the record.)</p> <p>2 BY MS. GORDON:</p> <p>3 Q. I'm going to hand you Bates stamp 3406. That's a tow</p> <p>4 ticket or tow tag inventory sheet filled out by Matthew</p> <p>5 Furman.</p> <p>6 A. Okay.</p> <p>7 Q. Okay. And he's towing this vehicle. It says on the</p> <p>8 bottom, "SOS shows no tax paid."</p> <p>9 Do you know what that refers to?</p> <p>10 A. No. I've never -- I've never seen that before.</p> <p>11 Q. Okay. And then up on top, there's a box that says</p> <p>12 "Towed in error. Release, no charges."</p> <p>13 A. Yeah. I would have to assume that that's because</p> <p>14 Officer Furman wasn't supposed to tow this vehicle. I</p> <p>15 don't know what that "shows no tax paid" means. I don't</p> <p>16 know what that is.</p> <p>17 So, I -- "not eligible for plates," I'm assuming,</p> <p>18 is what that other part says, but I'm kind of guessing</p> <p>19 at that.</p> <p>20 But, yeah. I would assume the reason why we didn't</p> <p>21 charge this person and it says "towed in error" is</p> <p>22 because Officer Furman wasn't supposed to tow it. So,</p> <p>23 technically it would be towed illegally.</p> <p>24 Q. All right. Now, you stop somebody, hypothetically, and</p> <p>25 the registered owner of the car has a warrant out for</p> | <p style="text-align: right;">Page 104</p> <p>1 A. I believe he's the only one who does that, but --</p> <p>2 Q. So, here's one, Bates stamp 3491, no valid insurance.</p> <p>3 The bottom says:</p> <p>4 "Owner advised to take care of numerous</p> <p>5 warrants."</p> <p>6 What do you make of that; if anything?</p> <p>7 A. Well, based on the fact that he didn't write "MEPD</p> <p>8 warrants" on here, I'm going to assume the warrants are</p> <p>9 with other cities.</p> <p>10 And Officer Furman must have let that person go on</p> <p>11 those warrants but told them not to come get the car</p> <p>12 until he took care of those warrants, which is honestly</p> <p>13 irrelevant because just because you have a warrant with</p> <p>14 another City doesn't mean you can't come get your car</p> <p>15 out of impound with us or any department, for that</p> <p>16 matter.</p> <p>17 Q. And then this he would write on here and then he just</p> <p>18 wouldn't let the other cities know and possibly wait for</p> <p>19 them to pick the guy up? That's what he said.</p> <p>20 MS. BALIAN: Objection. Calls for facts not in</p> <p>21 evidence. It doesn't say that.</p> <p>22 MS. GORDON: That's what he testified to.</p> <p>23 MS. BALIAN: Neither did he.</p> <p>24 MS. GORDON: He said he didn't wait. He said</p> <p>25 typically he --</p> |

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| <p style="text-align: right;">Page 105</p> <p>1 A. Yes.</p> <p>2 This -- that's what I would take away from this</p> <p>3 form is that he didn't arrest the person on those</p> <p>4 warrants from the stop. And as -- in general, with</p> <p>5 Officer Furman, the reasoning for that would have been</p> <p>6 he didn't want to wait or do the booking process and</p> <p>7 that takes up his time and didn't want to wait for that.</p> <p>8 So, he would want to let the person leave from -- so he</p> <p>9 could tow the car, and then go on and tow other</p> <p>10 vehicles.</p> <p>11 BY MS. GORDON:</p> <p>12 Q. Okay. So, your -- you became aware that he was just not</p> <p>13 calling in the warrants to the departments at issue?</p> <p>14 A. He has verbally told myself and numerous other officers</p> <p>15 that when he is out there trying to tow cars which,</p> <p>16 again, he's doing most of the time, that unless it was a</p> <p>17 serious warrant, he wouldn't call any other department</p> <p>18 other than ours. Obviously, if it was a Melvindale</p> <p>19 warrant, he would usually bring those in.</p> <p>20 MS. GORDON: Okay. That's all I have for you.</p> <p>21 MS. BALIAN: Okay. I have some questions.</p> <p>22 MS. GORDON: Thank you for your time.</p> <p>23 * * *</p> <p>24 EXAMINATION</p> <p>25 BY MS. BALIAN:</p> | <p style="text-align: right;">Page 107</p> <p>1 A. I did not testify to that.</p> <p>2 Q. That they're put in the system and, unless the</p> <p>3 individual other agencies tell the officers to hold</p> <p>4 them, then they are advised and released?</p> <p>5 A. Yes. If the -- say the -- for example, if the person</p> <p>6 has a warrant with Lincoln Park, if we contact Lincoln</p> <p>7 Park and they don't want to pick them up, yes, we advise</p> <p>8 and release on the warrant.</p> <p>9 Q. Okay. So, what evidence do you have that Officer Furman</p> <p>10 didn't contact these agencies?</p> <p>11 A. I didn't say that he didn't.</p> <p>12 Q. Okay. Well, you made an assumption, you said, that</p> <p>13 because he wanted to get to other towing that he didn't</p> <p>14 contact them.</p> <p>15 What evidence do you have?</p> <p>16 A. I said -- yes, in general, that would be his practice.</p> <p>17 Q. My question was, what evidence do you have that he</p> <p>18 didn't contact the other agencies?</p> <p>19 A. On that specific incident, that would -- is his general</p> <p>20 evidence. That's the only evidence I have.</p> <p>21 Q. What evidence do you have -- listen to my question.</p> <p>22 A. That's it.</p> <p>23 Q. What evidence do you have that he didn't contact the</p> <p>24 other agencies?</p> <p>25 Do you have any evidence that he didn't?</p> |
| <p style="text-align: right;">Page 106</p> <p>1 Q. First, I'm going to ask you about this Defendant's Bates</p> <p>2 stamp document 3491.</p> <p>3 You testified that you would assume he told the</p> <p>4 driver not to pick up the car until he takes care of the</p> <p>5 warrants.</p> <p>6 A. Yes.</p> <p>7 Q. It doesn't say that anywhere on here that he told the</p> <p>8 driver not to pick up the car until he takes care of the</p> <p>9 warrants; right?</p> <p>10 A. No, it actually does.</p> <p>11 Q. It says:</p> <p>12 "Owner advised to take care of numerous</p> <p>13 warrants --"</p> <p>14 A. (Reading.)</p> <p>15 "-- before attempting to redeem vehicle."</p> <p>16 It actually says those exact words.</p> <p>17 Q. These are not MEPD warrants; correct?</p> <p>18 A. I would assume not. I don't know that, but I would</p> <p>19 assume not because generally you would write "MEPD</p> <p>20 warrants" on there. Correct.</p> <p>21 Q. Okay. And you testified earlier that, unless they're</p> <p>22 MEPD warrants, the drivers are advised of the warrants</p> <p>23 and released; correct?</p> <p>24 A. No, I did not.</p> <p>25 Q. They're put in the system.</p> | <p style="text-align: right;">Page 108</p> <p>1 A. His general practice.</p> <p>2 Q. Okay. So, you don't have any personal knowledge that he</p> <p>3 didn't contact the other agencies?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. So, on Bates stamp document 4870:</p> <p>6 "Registered owner has MEPD warrant."</p> <p>7 A. Yes.</p> <p>8 Q. So, are you saying that the registered owner was not the</p> <p>9 driver of the vehicle?</p> <p>10 A. That would be my assumption.</p> <p>11 Q. Okay. So, he's letting whomever is running the desk</p> <p>12 know that when the registered owner comes in, they've</p> <p>13 got a warrant?</p> <p>14 A. Correct.</p> <p>15 Q. So, you were hired in 2011 --</p> <p>16 A. No, 2012.</p> <p>17 Q. 2012.</p> <p>18 What month?</p> <p>19 A. May.</p> <p>20 Q. And what are the various shifts that you've worked over</p> <p>21 the years, if you can remember?</p> <p>22 A. I've worked day shift, afternoons, midnights, and the</p> <p>23 detective bureau.</p> <p>24 Q. What shifts in what years have you worked with Officer</p> <p>25 Furman?</p> |

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| <p style="text-align: right;">Page 109</p> <p>1 A. I've worked afternoons with Officer Furman. I --</p> <p>2 Q. Say -- let's start in 2012, because you were hired with</p> <p>3 him in 2012; right?</p> <p>4 A. Correct.</p> <p>5 Q. Okay.</p> <p>6 A. We were roughly, I believe, like five days apart.</p> <p>7 Q. Okay. So, in 2012, what shifts did you work with him</p> <p>8 then?</p> <p>9 A. I believe we worked afternoons together in 2012.</p> <p>10 Q. In what time period?</p> <p>11 A. It would have been maybe for about two months, from June</p> <p>12 to August, somewhere in that time frame.</p> <p>13 Q. Okay. And in 2013, what time period did you work the</p> <p>14 same shift with Officer Furman?</p> <p>15 A. I believe all of 2013, again on afternoons.</p> <p>16 Q. Okay.</p> <p>17 A. I believe.</p> <p>18 Q. Were you ever partners, or did you work separately?</p> <p>19 A. Our department you're almost never in a double car</p> <p>20 because we're so small. So, it's almost always single</p> <p>21 car.</p> <p>22 Q. Okay. So, you think you worked the same shift with</p> <p>23 Officer Furman all of 2013?</p> <p>24 A. I believe so.</p> <p>25 Q. Okay. And what about 2014?</p> | <p style="text-align: right;">Page 111</p> <p>1 Q. Okay. And explain your job now.</p> <p>2 What are you doing?</p> <p>3 A. I'm assigned to the Michigan State Police in an</p> <p>4 undercover drug unit.</p> <p>5 Q. Okay. And what are your responsibilities in that?</p> <p>6 A. Basically, the team's responsibility is to recover</p> <p>7 narcotics off the streets. So, we have -- we work in</p> <p>8 plain clothes and set up buys with drug dealers.</p> <p>9 Q. Are you working with other police departments? Do they</p> <p>10 take some members of other police departments?</p> <p>11 A. Correct, yeah.</p> <p>12 Q. Okay. Yeah. I've heard of that.</p> <p>13 All right. So, is there anybody else assigned from</p> <p>14 the Melvindale Police Department to that?</p> <p>15 A. No.</p> <p>16 Q. Or is it just you?</p> <p>17 A. Just me.</p> <p>18 Q. Okay. And what is your shift?</p> <p>19 A. Typically it's 2:00 p.m. to midnight, but it kind of</p> <p>20 varies depending on when we're needed, if the occasion</p> <p>21 arises.</p> <p>22 Q. How often do you go into the Melvindale Police</p> <p>23 Department?</p> <p>24 A. Since I've been on --</p> <p>25 Q. Since you've been in this new role.</p> |
| <p style="text-align: right;">Page 110</p> <p>1 You said you became a detective in February of '14;</p> <p>2 is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Through January of 2017?</p> <p>5 A. There was a few months that I was pulled out of the DB</p> <p>6 in that time frame in there, but most of that I was a</p> <p>7 detective, yes.</p> <p>8 Q. As a detective, do you still have different shifts or do</p> <p>9 you have an assigned shift?</p> <p>10 A. As a detective, my assigned shift was 8:30 a.m. to</p> <p>11 4:30 p.m.</p> <p>12 Q. Okay. And do you recall what shift Officer Furman had</p> <p>13 at that time?</p> <p>14 A. For most of that time frame, he was on day shift, which</p> <p>15 was 8:00 a.m. to 4:00 p.m.</p> <p>16 Q. Okay. And then you said you -- in January of 2017, you</p> <p>17 went back out onto the road patrol?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. And when you went back out on road patrol, what</p> <p>20 shift were you?</p> <p>21 A. I was on midnights. Midnight to 8:00 a.m.</p> <p>22 Q. Midnight to 8:00 a.m.</p> <p>23 And you remained on that shift until March 26th of</p> <p>24 '18?</p> <p>25 A. Correct.</p> | <p style="text-align: right;">Page 112</p> <p>1 A. I've probably been there four or five times since then.</p> <p>2 Q. Okay. Do you just kind of go from your home out to the</p> <p>3 field, or what do you do?</p> <p>4 A. We have an office that I report to, like I have -- we</p> <p>5 have a state police trooper, or he's a sergeant. He's</p> <p>6 basically who I report to every day that I'm working,</p> <p>7 which is at our office. It's in Taylor.</p> <p>8 Q. Okay. Did you have to like apply for that new job with</p> <p>9 the Michigan State Police?</p> <p>10 A. Yes.</p> <p>11 Q. Like how did that come about?</p> <p>12 A. Yes.</p> <p>13 The, I guess, opening was posted at the department,</p> <p>14 and any officer who was interested submitted a letter to</p> <p>15 Chief Allen. And every officer who submitted a letter</p> <p>16 was interviewed by the lieutenant and sergeant in charge</p> <p>17 of that team, and they made a decision based on that</p> <p>18 interview.</p> <p>19 (Ms. Gordon leaves the room.)</p> <p>20 BY MS. BALIAN:</p> <p>21 Q. Okay. Now, you've testified a couple times today that</p> <p>22 you used to be friends with Officer Furman.</p> <p>23 A. Correct.</p> <p>24 Q. When did you stop being friends with Officer Furman?</p> <p>25 What time period?</p> |

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| <p style="text-align: right;">Page 113</p> <p>1 A. When this all happened.</p> <p>2 Q. When what all happened?</p> <p>3 A. When he testified, in my opinion, falsely against Chief Hayse.</p> <p>4</p> <p>5 Q. Okay. So, in August of 2016?</p> <p>6 A. That sounds right.</p> <p>7 Q. Okay. That was the removal hearing, August 29th and August 30th. Okay.</p> <p>8</p> <p>9 And you've also testified several times today that you're friends with Chief Hayse.</p> <p>10</p> <p>11 Does that go outside, then, of when you worked with Chief Hayse? Would you get together with him socially?</p> <p>12</p> <p>13 A. Are you asking before I started working here or currently?</p> <p>14</p> <p>15 Q. Sure. When you worked under Chief Hayse.</p> <p>16 A. Yes.</p> <p>17 Q. Okay. How would you get together?</p> <p>18 A. Go to sporting events, hang out at his house.</p> <p>19 Q. Okay. When did that start?</p> <p>20 A. It was after I was in the detective bureau. Probably -- I started in February. I'm sure it was a few months after that. I'm guessing probably that summer.</p> <p>21</p> <p>22</p> <p>23 Q. February of '14?</p> <p>24 A. Yeah. I'm guessing probably the summer of that year.</p> <p>25 Q. Okay. What other officers hung out socially with Chief</p> | <p style="text-align: right;">Page 115</p> <p>1 social events that you would go to with him?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. When is the last time you saw him, other than today?</p> <p>4</p> <p>5 A. Actually, I bumped into him at 24th District Court on Tuesday, I think it was.</p> <p>6</p> <p>7 Q. When is the last time you were with him at a planned meeting?</p> <p>8</p> <p>9 A. I think it's been -- I don't know -- a month or so.</p> <p>10 Q. What did you do?</p> <p>11 A. We met up, myself, Chief Hayse, his wife, and Lieutenant Bajorek and his wife met up at -- I think it was the Knights of Columbus in -- I think it's Lincoln Park.</p> <p>12</p> <p>13</p> <p>14 Q. For what?</p> <p>15 A. Catch up. I haven't seen -- Lieutenant Bajorek is retired, so I haven't seen him in a while. And, as I stated earlier, I know that Chief Hayse and Lieutenant Bajorek are also friends. So, just catch up.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 Q. Did you talk to the chief at all about your deposition today?</p> <p>20</p> <p>21 I'm talking about Chief Hayse, not Chief Allen.</p> <p>22 A. Nothing other than that my deposition was today.</p> <p>23 Q. Okay. Did you talk to anybody, whether on the phone or in person, from this office about your deposition today?</p> <p>24</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 114</p> <p>1 Hayse?</p> <p>2 A. Lieutenant Welch, Lieutenant Jones, Lieutenant Bajorek, Lieutenant Meador. I know some of the retired officers, I've seen hang out socially with Chief Hayse, that worked there, retired before I started.</p> <p>3</p> <p>4 Sergeant Martinez -- Detective Martinez, Officer Lash. I think that -- Officer Lane.</p> <p>5</p> <p>6</p> <p>7 Q. Okay. And other than going to sporting events and going to his home, what else did you do socially?</p> <p>8</p> <p>9</p> <p>10 A. We would get dinner, have a beer once in a while.</p> <p>11 Q. Where did you have a beer?</p> <p>12 (Ms. Gordon enters the room.)</p> <p>13 A. Usually in Allen Park.</p> <p>14 BY MS. BALIAN:</p> <p>15 Q. Is there a certain bar you would go to in Allen Park?</p> <p>16 A. Not specifically.</p> <p>17 Q. Okay. So, what bars have you been to with Chief Hayse?</p> <p>18 A. Honestly, I don't remember the names of them because we were usually only there -- this has only happened a few times. So --</p> <p>19</p> <p>20</p> <p>21 Q. Are you married?</p> <p>22 A. No.</p> <p>23 Q. Okay. Do you have a girlfriend?</p> <p>24 A. No.</p> <p>25 Q. Okay. Would Chief Hayse bring his wife ever to these</p> | <p style="text-align: right;">Page 116</p> <p>1 Q. Okay. Who did you speak with?</p> <p>2 A. Both of those two women.</p> <p>3 Q. Okay.</p> <p>4 MS. GORDON: I think he spoke to Elizabeth, and then me this morning.</p> <p>5</p> <p>6 A. I thought I spoke to you the first time.</p> <p>7 MS. GORDON: Okay. Sorry. I'll leave you to the testimony.</p> <p>8</p> <p>9 BY MS. BALIAN:</p> <p>10 Q. And what did you talk about?</p> <p>11 A. They asked me questions in regards to this whole incident, the whole deposition.</p> <p>12</p> <p>13 Q. About the subject matter you testified to here today?</p> <p>14 A. Correct.</p> <p>15 Q. And when did you speak with them?</p> <p>16 A. The first time was maybe a month or so ago, two months ago, somewhere in that time frame.</p> <p>17</p> <p>18 And the last time was, I believe, earlier this week, maybe late last week.</p> <p>19</p> <p>20 Q. Okay. Did you provide them any documents?</p> <p>21 A. No.</p> <p>22 Q. Okay. Did they contact you on your cell phone or at the police station?</p> <p>23</p> <p>24 A. My cell phone.</p> <p>25 Q. How did they get your cell phone number?</p> |

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| <p style="text-align: right;">Page 117</p> <p>1 A. I contacted Ms. Gordon the first time, actually, myself, 2 and I gave her my cell phone number then. 3 Q. Okay. You testified a lot today about Officer Furman 4 towing vehicles. 5 Do you have any personal knowledge that he has ever 6 illegally towed a vehicle? 7 A. One specific incident, I was working at the time that it 8 happened, albeit I don't believe -- excuse me -- I don't 9 believe it was intentional on Officer Furman's part, but 10 he did tow a vehicle -- technically it was illegal for 11 him to tow it. 12 I don't remember the circumstances, but I remember 13 we kind of goofed on him about it for a little while at 14 the station, that the reason that he had towed it was -- 15 he shouldn't have. 16 Q. What were the circumstance? 17 You said you don't think it was intentional. 18 How did he -- what happened? 19 A. He believed that he was towing it properly. Like I 20 said, I don't remember exactly what it was, but he 21 did -- he believed he was towing it properly. He didn't 22 receive any discipline for it. Like I said, we all just 23 kind of goofed on him and the owner was contacted and we 24 released the vehicle to him, but -- 25 Q. So, let me ask you this: Do you have any personal</p> | <p style="text-align: right;">Page 119</p> <p>1 to continue to tow vehicles in order to make revenue for 2 the City -- 3 Q. Okay. Who is on the Public Safety Commission? 4 MS. GORDON: Wait a minute. Did you finish your 5 answer? 6 I wasn't sure if you were -- 7 A. No. I was -- because the City had a deficit. 8 BY MS. BALIAN: 9 Q. Okay. Who are the two members of the Public Safety 10 Commission? 11 A. He wouldn't tell me. 12 Q. Okay. When did he tell you this? 13 A. This would have been while we were still friends, so it 14 would have been in that time frame. I don't remember 15 exactly when, though. 16 Q. Okay. Have you ever witnessed anybody -- have you ever 17 witnessed the Public Safety Commission give a directive 18 to Officer Furman to increase his tows? 19 A. No. 20 Q. Okay. Do you have any personal knowledge that Officer 21 Furman was directed to increase his tows by city 22 council? 23 MS. GORDON: Other than what he just testified to, 24 you mean, where he was told that that's what he was -- 25 MS. BALIAN: I'm talking about city council as a</p> |
| <p style="text-align: right;">Page 118</p> <p>1 knowledge that he has ever intentionally illegally towed 2 a vehicle? 3 A. No. 4 Q. Okay. Do you have any personal knowledge that he has 5 ever been directed by the Public Safety Commission to 6 increase his towing of vehicles? 7 A. Yes. 8 Q. What? 9 A. Officer Furman told me that two members of the 10 council -- he wouldn't say who -- told him that he 11 needed to keep towing cars in order to -- actually, I 12 take that back. Three members. Two were from the 13 council and one was Rich Ortiz -- that he needed to keep 14 towing cars in order to make the City money because we 15 had a deficit. 16 Q. Okay. My question was the Public Safety Commission. 17 A. Okay. Well, excuse me then. 18 Q. Okay. So, the Public Safety Commission is a body -- 19 A. Yes. He stated -- 20 Q. -- that has authority -- 21 A. Yes. 22 Q. -- over the police department; right? 23 A. Yes. 24 Q. Okay. So, can you answer that question? 25 A. Yes. He stated two members from that body informed him</p> | <p style="text-align: right;">Page 120</p> <p>1 body. 2 MS. GORDON: I know. He just said he was told 3 that. 4 MS. BALIAN: If you could repeat my question? 5 THE REPORTER: One second, please. 6 (Record repeated by the reporter.) 7 BY MS. BALIAN: 8 Q. Go ahead. 9 A. Yes, from Officer Furman stating the council had 10 informed him to -- 11 Q. The council -- 12 MS. GORDON: Hang on. You've got to let -- 13 A. Members, excuse me. 14 MS. GORDON: You've got to let him finish, though, 15 Melinda. 16 A. Members from the council had told him to continue to tow 17 vehicles in order to generate revenue because the City 18 was in a deficit. 19 BY MS. BALIAN: 20 Q. Okay. And who were those members? 21 A. He wouldn't tell me. 22 Q. Did you ask him who they were? 23 A. Yes. 24 Q. Okay. And when did he tell you this? 25 A. Again, in that same time frame of when we were still</p> |

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| <p style="text-align: right;">Page 121</p> <p>1 friends.</p> <p>2 Q. And you said Rich Ortiz also; right?</p> <p>3 A. Yes.</p> <p>4 Q. Told him this.</p> <p>5 And when did Rich Ortiz tell him this?</p> <p>6 A. Same time frame.</p> <p>7 Q. So, he would give you Rich Ortiz's name, but he wouldn't</p> <p>8 give you the other names?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And when did he share this -- or where did he</p> <p>11 share this information with you?</p> <p>12 A. At the department.</p> <p>13 Q. Was anybody else around?</p> <p>14 A. Probably, but I wouldn't remember who. I wasn't paying</p> <p>15 attention to that kind of thing. I didn't think it was</p> <p>16 relevant to anything.</p> <p>17 Q. So, this would have been when you were working</p> <p>18 midnights?</p> <p>19 A. No. While -- when --</p> <p>20 Q. Well, you said it was right before all this all went</p> <p>21 down.</p> <p>22 A. I said it was while we were still friends. I have been</p> <p>23 working midnights for over a year. That was well after</p> <p>24 Chief Hayse had been terminated and Corporal Furman and</p> <p>25 I were no longer friends.</p> | <p style="text-align: right;">Page 123</p> <p>1 So, I'm pretty sure that that would have been the</p> <p>2 time frame.</p> <p>3 Q. How often were you in the department when you were</p> <p>4 working in the detective bureau?</p> <p>5 A. Monday through Friday and including weekends if I was</p> <p>6 called in.</p> <p>7 Q. But how often was your body actually in the department?</p> <p>8 A. That's -- I reported there every day in the morning.</p> <p>9 Most of my work was done from within the department.</p> <p>10 The detective bureau is a lot of paperwork, a lot</p> <p>11 of phone calls, which most of that took place in the</p> <p>12 department.</p> <p>13 Q. Did you have to be in court?</p> <p>14 A. Sometimes.</p> <p>15 Q. How often out of the week?</p> <p>16 What percentage of your time would you say was in</p> <p>17 court during the week?</p> <p>18 A. 5 percent.</p> <p>19 Q. Does that include your testimony time, the time you had</p> <p>20 to go to the prosecutor's office, everything like that?</p> <p>21 A. Yes.</p> <p>22 Maybe, at the most, 10 percent. We only had one</p> <p>23 day a week that was set for court at the 24th District</p> <p>24 Court, and if my cases weren't -- if it wasn't my case,</p> <p>25 I wouldn't go. So --</p> |
| <p style="text-align: right;">Page 122</p> <p>1 Q. Oh, it was after Chief Hayse had been terminated?</p> <p>2 A. No.</p> <p>3 Q. I thought your testimony was --</p> <p>4 A. I -- oh, that I went to midnights?</p> <p>5 Q. It was during the time frame you were on road patrol --</p> <p>6 A. Correct. I was -- road patrol is any day shift, noons</p> <p>7 or midnights.</p> <p>8 Q. Well, let me get out my full question.</p> <p>9 That it was when you were working road patrol,</p> <p>10 after you returned to that from the detective bureau?</p> <p>11 A. No. It was before that.</p> <p>12 Q. Okay.</p> <p>13 A. Chances are I was honestly probably still in the</p> <p>14 detective bureau when this happened. That's when --</p> <p>15 Q. "Chances are."</p> <p>16 Do you know, or are you guessing?</p> <p>17 MS. GORDON: He's doing his best to answer, I</p> <p>18 think.</p> <p>19 Go ahead.</p> <p>20 BY MS. BALIAN:</p> <p>21 Q. Do you know, or are you guessing?</p> <p>22 A. Well, I'm not guessing, but Corporal Furman and I</p> <p>23 spent -- most of our time that we worked together was</p> <p>24 while he was on day shift, and I was in the detective</p> <p>25 bureau.</p> | <p style="text-align: right;">Page 124</p> <p>1 Q. Well, what about circuit court?</p> <p>2 A. Most of our cases pled before circuit court. I believe</p> <p>3 I've had to appear in circuit court four times, five</p> <p>4 times in my six years.</p> <p>5 Q. You had testified about Furman using his cell phone to</p> <p>6 contact -- I think it's Sean Briscoe; is that right?</p> <p>7 A. He has, yes.</p> <p>8 Q. Okay. Do you have personal knowledge if he does that</p> <p>9 every time he needs a tow?</p> <p>10 A. No, I don't.</p> <p>11 Q. Okay. Did you ever ask him why he contacted Sean</p> <p>12 Briscoe using his cell phone?</p> <p>13 A. Yes.</p> <p>14 Q. And the reason?</p> <p>15 A. He said it's faster.</p> <p>16 Q. You also testified that you had heard about a time that</p> <p>17 Mike Goch provided food at a party that Easton had?</p> <p>18 A. Correct.</p> <p>19 Q. Is that correct?</p> <p>20 Were you at that party?</p> <p>21 A. No.</p> <p>22 Q. So, you've heard this from somebody else?</p> <p>23 A. Yes.</p> <p>24 Q. And there was some testimony from you that you -- I</p> <p>25 don't know whether somebody informed you or you heard</p> |

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| <p style="text-align: right;">Page 125</p> <p>1 elsewhere -- that Furman was having somebody purchase 2 cars for him at the auction, and you learned of this 3 during the time that you worked at the auction; is that 4 correct? 5 A. Correct. Yes. 6 Q. Okay. And that was after Hayse was terminated; is that 7 correct? 8 A. I believe this was before, but I'm not 100 percent on 9 that. 10 Q. Well, what time did you work at the auction? 11 A. I believe the year of 2016. 12 Q. What time frame? 13 A. That whole year. I believe that was the time frame that 14 I helped with the auctions. 15 Q. I believe your testimony was the end of 2016 through 16 2017. 17 A. No. I wasn't even in the detective bureau in 2017. 18 Q. Okay. So, you believe it was just throughout 2016? 19 A. Correct. 20 Q. Okay. What paperwork can we look at to find out the 21 exact time frame of when you worked there? What would 22 show that? 23 A. The -- the receipts that I filled out. 24 Q. Receipts of what? 25 A. From the payments for the cars.</p> | <p style="text-align: right;">Page 127</p> <p>1 Q. Did you report it to anybody else? 2 A. No. 3 Q. Do you know if anybody else reported it? 4 A. I have no idea. 5 Q. Did Lawrence Jackson ask to speak with you? 6 A. No. 7 Q. And you had testified that you were present at a meeting 8 where they were talking about this. 9 What meeting was that? 10 A. It was the workshop that the council was holding prior 11 to the meeting that Chief Hayse was suspended at. 12 Q. What was the workshop about? 13 A. The towing. As far as I could tell, that was their main 14 concern. 15 Now, the -- as far as I know, they still hold the 16 same workshop. Basically, they go over the agenda for 17 the following meeting, the meeting to follow, and 18 discuss briefly what is going to be discussed in the 19 open meeting in total of everything. 20 Q. Do you know if actually this -- Lawrence Jackson, if 21 this issue was discussed in the open meeting at city 22 council? 23 A. Yes. I was there. 24 Q. Okay. So, it was brought up at the city council of 25 hiring this individual for the investigation?</p> |
| <p style="text-align: right;">Page 126</p> <p>1 Q. Okay. Did anybody report the supposed purchasing of 2 vehicles by Furman? 3 A. What do you mean by "report" it? 4 Q. Well, you said you believed it was wrong. So, did 5 you -- 6 A. I did not say that. 7 Q. Did you ever report it? 8 A. I didn't say that I believed it was wrong. 9 Q. Well, you did. You said you believed it was wrong that 10 there was all this towing activity on his part and then 11 somebody was purchasing the cars at the auction. 12 So, did you ever report it? 13 A. What I said was I believed it was inappropriate. 14 But, again, I don't understand your question as far 15 as reporting it. 16 What do you mean did I "report" it? 17 Q. Okay. So, you believe it was inappropriate? 18 A. Yes. 19 Q. Did you ever report it to Chief Hayse that you thought 20 this inappropriate activity was going on by Furman? 21 A. No, I did not speak directly with Chief Hayse about it. 22 Q. Did you report it to anybody else? 23 A. Lieutenant Welch was aware that Mr. Briscoe was 24 purchasing cars, or at least the one that I was there 25 for. Lieutenant Welch was aware that --</p> | <p style="text-align: right;">Page 128</p> <p>1 A. Correct. 2 Q. Okay. Were you aware that the number of tickets issued 3 by the Melvindale police officers dropped by over 2,000 4 from 2014 to 2015? 5 A. No. 6 Q. Chief Hayse testified that, although he wasn't really 7 aware that that was the number, that that is a valid 8 concern. 9 Did -- was that ever raised to you when you were an 10 officer? 11 A. Not that specific number. As I said, I was unaware of 12 that number. 13 But, yes, Chief Hayse and even -- and still Chief 14 Allen, when our union, as the patrol union would meet, 15 the chief would meet with the union president and give 16 topics or things that he wanted addressed. Sometimes it 17 would be making sure the station was cleaned or the cars 18 were cleaned, just whatever the chief felt needed to be 19 addressed but not maybe directly from the chief. Just 20 things he wanted to be -- seen taken care of. 21 And sometimes it would be to make sure that we were 22 still enforcing the traffic laws as far as -- and making 23 sure that the City was being policed properly. 24 Q. Are you saying that Chief Hayse addressed that with you? 25 A. Not directly with me, but he -- yes, Chief Hayse did</p> |

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| <p style="text-align: right;">Page 129</p> <p>1 have our union president address it with our union.</p> <p>2 Q. You understand, I would assume, as an officer, you can't</p> <p>3 discriminate against the public in the performance of</p> <p>4 your duties; right?</p> <p>5 A. Yes.</p> <p>6 MS. BALIAN: Do you have the memo that was issued</p> <p>7 to Furman?</p> <p>8 A. It should still be over here.</p> <p>9 MS. BALIAN: I don't have it.</p> <p>10 MS. GORDON: The discriminatory memo?</p> <p>11 MS. BALIAN: Those are your words, not mine, Deb.</p> <p>12 MS. GORDON: Well, actually, that's your client's</p> <p>13 words, not mine.</p> <p>14 BY MS. BALIAN:</p> <p>15 Q. Did Chief Hayse sit down and have a personal</p> <p>16 conversation with you about this Bates stamp document</p> <p>17 1442 before it was issued to Officer Furman?</p> <p>18 A. No.</p> <p>19 Q. What was your position in April of 2016?</p> <p>20 Were you a detective?</p> <p>21 A. At the beginning of April, I was not. By the end of</p> <p>22 April, I was. I had gone back to the road from January</p> <p>23 of '16 to sometime in April of 2016.</p> <p>24 Q. So, you were at the scene when Robert McClintock was</p> <p>25 arrested; correct?</p> | <p style="text-align: right;">Page 131</p> <p>1 A. Not when he's walking him to the car, no.</p> <p>2 Q. Okay. Where were you?</p> <p>3 A. Standing in the driveway, up in front of the house, next</p> <p>4 to Lieutenant Allen.</p> <p>5 Q. And in front of the house where?</p> <p>6 A. In the driveway.</p> <p>7 Q. Where in the driveway?</p> <p>8 A. In the middle.</p> <p>9 Q. How long was the driveway?</p> <p>10 A. I don't know.</p> <p>11 Q. You have no memory of it?</p> <p>12 A. I never measured it or paid any attention to how long</p> <p>13 the driveway was, no.</p> <p>14 Q. Well, approximately?</p> <p>15 A. I couldn't guess. I have no idea.</p> <p>16 Q. Can you picture it in your mind today?</p> <p>17 A. No.</p> <p>18 I don't even remember the address of where this</p> <p>19 happened.</p> <p>20 Q. When you were -- you said you saw Corporal Furman put</p> <p>21 McClintock in the vehicle; correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So, at the time you're watching this, where were</p> <p>24 you in relation to Furman and McClintock?</p> <p>25 A. Behind them.</p> |
| <p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And it's my understanding that you and Chief</p> <p>3 Allen were standing in the backyard?</p> <p>4 A. When he was arrested or throughout the whole incident?</p> <p>5 Q. When he was arrested.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you saw Corporal Furman -- Corporal Furman at</p> <p>8 that time -- put him in handcuffs; correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And then you saw Corporal Furman pull him up and</p> <p>11 start walking him out to the patrol car; correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So, now I'm assuming that at the time you're</p> <p>14 watching Furman walk him out to the car, McClintock is</p> <p>15 in front of Furman. So, you have McClintock and then</p> <p>16 Furman, and then you're behind Furman; correct?</p> <p>17 A. No.</p> <p>18 Q. Where were you?</p> <p>19 A. I was behind, yes, but McClintock was not in front of</p> <p>20 him. He was next to him.</p> <p>21 Q. Okay. And you're in the backyard.</p> <p>22 Where is the home in relation to where you're</p> <p>23 standing?</p> <p>24 A. What do you mean? Where is --</p> <p>25 Q. You're in the backyard of the home?</p> | <p style="text-align: right;">Page 132</p> <p>1 Q. Okay. So, I would assume, at that time, McClintock is</p> <p>2 in front of Furman because Furman is putting him in the</p> <p>3 patrol vehicle?</p> <p>4 A. At that point, yes.</p> <p>5 Q. Correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you provided a statement that says:</p> <p>8 "Once at the car, it appeared Corporal</p> <p>9 Furman pushed McClintock towards the opened back</p> <p>10 seat, causing McClintock to hit his head on the</p> <p>11 frame of the car."</p> <p>12 MS. GORDON: May I interrupt you for a moment,</p> <p>13 Melinda?</p> <p>14 MS. BALIAN: Sure.</p> <p>15 MS. GORDON: You appear to be reading from a</p> <p>16 document that is the detective's statement --</p> <p>17 MS. BALIAN: It is.</p> <p>18 MS. GORDON: -- which you have not produced to us,</p> <p>19 I don't believe.</p> <p>20 MS. BALIAN: Well, it's court-ordered to be</p> <p>21 produced on Monday.</p> <p>22 MS. GORDON: Okay.</p> <p>23 MS. BALIAN: So, you'll have it.</p> <p>24 MS. GORDON: Hang on a minute. Just a second.</p> <p>25 Why was it not produced originally?</p> |

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| Page 133 | Page 135 |
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| <p>1 MS. BALIAN: Because I objected to it.</p> <p>2 MS. GORDON: On what basis?</p> <p>3 MS. BALIAN: Because he wasn't disciplined on it,</p> <p>4 and the court ordered otherwise.</p> <p>5 MS. GORDON: Wow. You people are a piece of work.</p> <p>6 MS. BALIAN: Deb -- okay.</p> <p>7 MS. GORDON: No, no, no.</p> <p>8 You're now using this document to cross-examine a</p> <p>9 witness after sitting in court and telling a federal</p> <p>10 judge and my firm that it's "not relevant," but here you</p> <p>11 are today cross-examining from it.</p> <p>12 MS. BALIAN: No, it's not relevant. I still don't</p> <p>13 think it is relevant.</p> <p>14 MS. GORDON: Well, why is it in your hand? Why is</p> <p>15 it in your hand?</p> <p>16 MS. BALIAN: I don't think anything that this</p> <p>17 witness has testified to --</p> <p>18 MS. GORDON: You people are out of control --</p> <p>19 MS. BALIAN: -- here today is relevant.</p> <p>20 MS. GORDON: -- and we're going back to the judge</p> <p>21 for -- okay. We're going back to the judge for</p> <p>22 sanctions. That is clearly a relevant document that you</p> <p>23 just never even said you had. You could have said, "We</p> <p>24 have it, but we're not producing it."</p> <p>25 You just blew us off and God knows what else you've</p> | <p>1 clear --</p> <p>2 MS. BALIAN: Okay.</p> <p>3 MS. GORDON: -- what she thinks of what you've</p> <p>4 done --</p> <p>5 MS. BALIAN: Can you please --</p> <p>6 MS. GORDON: -- and I want -- hang on --</p> <p>7 MS. BALIAN: Okay. I'm not going to debate you on</p> <p>8 this.</p> <p>9 MS. GORDON: I want a copy of that document right</p> <p>10 now.</p> <p>11 MS. BALIAN: No, I'm not giving it to you right</p> <p>12 now.</p> <p>13 MS. GORDON: Okay. Then the dep is stopping and</p> <p>14 we're going to court. I am moving for a protective</p> <p>15 order. You're now cross -- you've been ordered to turn</p> <p>16 over a flipping document, and you're standing here</p> <p>17 cross-examining on it, and you won't hand it across the</p> <p>18 table.</p> <p>19 MS. BALIAN: You're getting --</p> <p>20 MS. GORDON: The dep is done.</p> <p>21 MS. BALIAN: You're not -- you can't stop the dep.</p> <p>22 MS. GORDON: Well, I'm going to.</p> <p>23 I'm going to.</p> <p>24 John, the dep is over.</p> <p>25 This is bizarre.</p> |
| Page 134 | Page 136 |
| <p>1 got that you have never produced to us. I have --</p> <p>2 MS. BALIAN: Okay.</p> <p>3 MS. GORDON: I can only -- if you didn't produce</p> <p>4 that simple little statement when you know the -- hang</p> <p>5 on. Now that I'm on a roll on this --</p> <p>6 MS. BALIAN: No, I'm not debating you on this.</p> <p>7 MS. GORDON: Our client was fired in part because</p> <p>8 of this incident right in your hand.</p> <p>9 MS. BALIAN: No.</p> <p>10 MS. GORDON: Oh, yes. Yes, he was.</p> <p>11 MS. BALIAN: He was terminated because he didn't</p> <p>12 properly discipline Furman.</p> <p>13 MS. GORDON: Don't be lecturing me, Melinda, on</p> <p>14 anything.</p> <p>15 MS. BALIAN: I'm not lecturing you.</p> <p>16 MS. GORDON: You people hide documents.</p> <p>17 MS. BALIAN: I'm responding.</p> <p>18 MS. GORDON: You hide documents. You got caught on</p> <p>19 it in court, and we're going back for sanctions.</p> <p>20 MS. BALIAN: We didn't get caught on anything.</p> <p>21 MS. GORDON: Oh. You weren't standing there when</p> <p>22 the judge told you what she said the other day? Because</p> <p>23 I heard it loud and clear.</p> <p>24 MS. BALIAN: We didn't get caught on anything.</p> <p>25 MS. GORDON: Yes, you did. She made it very</p> | <p>1 MS. BALIAN: Okay. You want this document, fine.</p> <p>2 MS. GORDON: Yeah, I do. Yeah, I do.</p> <p>3 MS. BALIAN: No, but you're not going to interrupt</p> <p>4 this part of my deposition.</p> <p>5 MS. GORDON: How dare you come in here and</p> <p>6 cross-examine on a document the court has ordered you to</p> <p>7 produce and don't give it to me.</p> <p>8 MS. BALIAN: The court ordered me to produce it on</p> <p>9 Monday.</p> <p>10 MS. GORDON: Where is the date --</p> <p>11 MS. MARZOTTO TAYLOR: I'm sorry?</p> <p>12 MS. GORDON: Where is the date for Monday that it</p> <p>13 has to be produced --</p> <p>14 MS. MARZOTTO TAYLOR: I never saw a date.</p> <p>15 MS. BALIAN: It's April 26(sic). It's in the</p> <p>16 order.</p> <p>17 MS. GORDON: Okay. Well, how dare you. I'd like</p> <p>18 the document now.</p> <p>19 MS. BALIAN: I'm sorry. It's April 23rd --</p> <p>20 MS. GORDON: I'd like the document.</p> <p>21 MS. BALIAN: You will get the document. I'll give</p> <p>22 you the --</p> <p>23 MS. GORDON: Right now. Right now, while you're</p> <p>24 standing here with it in your hand.</p> <p>25 MS. BALIAN: No. I'm going to have him answer my</p> |

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| <p style="text-align: right;">Page 137</p> <p>1 question.</p> <p>2 MS. GORDON: No. You're giving me the document --</p> <p>3 MS. BALIAN: No, you can't -- I have --</p> <p>4 MS. GORDON: -- before we go forward.</p> <p>5 MS. BALIAN: I have a question pending that I would</p> <p>6 like --</p> <p>7 MS. GORDON: Well, we'll get the court on the</p> <p>8 phone. These are documents I should have had months</p> <p>9 ago, Melinda.</p> <p>10 MS. BALIAN: No, they're not. I objected to them.</p> <p>11 MS. GORDON: Excuse me. Did the court -- hang on.</p> <p>12 Did the court overrule your objection and order that we</p> <p>13 get them?</p> <p>14 MS. BALIAN: The court ordered that the documents</p> <p>15 will be produced on Monday, Deb.</p> <p>16 MS. GORDON: Melinda, you --</p> <p>17 MS. BALIAN: I will provide this document to you,</p> <p>18 but the court ordered --</p> <p>19 MS. GORDON: No, you're not -- you're not</p> <p>20 cross-examining a witness on a document I don't have in</p> <p>21 front of me. That's not going to happen. And the fact</p> <p>22 that you think that the judge didn't just tell you we</p> <p>23 should have had that from day one means you don't</p> <p>24 understand law.</p> <p>25 MS. BALIAN: No. The court ordered me to produce</p> | <p style="text-align: right;">Page 139</p> <p>1 MS. BALIAN: If you could read it, John?</p> <p>2 MS. GORDON: No, he's not going to answer --</p> <p>3 MS. BALIAN: Well, he -- you asked for the</p> <p>4 question.</p> <p>5 MS. GORDON: Okay. I may want to interpose an</p> <p>6 objection --</p> <p>7 MS. BALIAN: Okay. That's fine.</p> <p>8 MS. GORDON: -- Melinda.</p> <p>9 MS. BALIAN: Let him read back the question, Deb.</p> <p>10 MS. GORDON: No. I -- is there a reason you're not</p> <p>11 going to hand me the document right now?</p> <p>12 MS. BALIAN: I would like the question read back --</p> <p>13 MS. GORDON: Why?</p> <p>14 MS. BALIAN: So, you can place your objection if</p> <p>15 you want to place an objection.</p> <p>16 MS. GORDON: I can't place it if you're misreading</p> <p>17 the document and I don't have the document. I can't do</p> <p>18 that.</p> <p>19 Is there a reason you're not handing me the</p> <p>20 document?</p> <p>21 MS. BALIAN: Oh. So, you can read the document?</p> <p>22 Fine.</p> <p>23 MS. GORDON: Thank you.</p> <p>24 MS. BALIAN: But I want the question read back.</p> <p>25 MS. MARZOTTO TAYLOR: It's a different document.</p> |
| <p style="text-align: right;">Page 138</p> <p>1 these on Monday.</p> <p>2 MS. GORDON: Having --</p> <p>3 MS. BALIAN: I will provide this to you --</p> <p>4 THE REPORTER: I'm sorry --</p> <p>5 MS. GORDON: Having ordered that you should have</p> <p>6 produced them originally.</p> <p>7 You don't grasp that the judge's whole order --</p> <p>8 MS. BALIAN: However --</p> <p>9 MS. GORDON: -- is because you made a mistake</p> <p>10 and/or were dishonest?</p> <p>11 MS. BALIAN: Okay. You can believe whatever you</p> <p>12 want to believe --</p> <p>13 MS. GORDON: It's not what I believe --</p> <p>14 MS. BALIAN: You'll have the --</p> <p>15 MS. GORDON: It's the judge's order.</p> <p>16 Just hand me the document or we're not going --</p> <p>17 I'll get the judge on the phone.</p> <p>18 MS. BALIAN: I don't care if you call the judge. I</p> <p>19 really don't.</p> <p>20 MS. GORDON: You're not going to hand me the</p> <p>21 document?</p> <p>22 MS. BALIAN: I told you I would provide you the</p> <p>23 document, but I want an answer from -- there is a</p> <p>24 question pending.</p> <p>25 MS. GORDON: What's the question pending?</p> | <p style="text-align: right;">Page 140</p> <p>1 MS. GORDON: Well, what is this?</p> <p>2 MS. BALIAN: No, it's not a different document,</p> <p>3 Elizabeth.</p> <p>4 MS. MARZOTTO TAYLOR: You're reading off that</p> <p>5 document. This is a different document.</p> <p>6 MS. BALIAN: No, it's not.</p> <p>7 MS. MARZOTTO TAYLOR: So, there are now two</p> <p>8 documents.</p> <p>9 MS. GORDON: What's that one over there?</p> <p>10 So, I now have in front of me date 6-16-2016 to</p> <p>11 Chief Hayse from Detective Nolin.</p> <p>12 You now have another document that's never been</p> <p>13 produced.</p> <p>14 What is that that you're now using?</p> <p>15 I'm going to be re-deposing your witnesses,</p> <p>16 Melinda. You people are out of control.</p> <p>17 MS. MARZOTTO TAYLOR: That's a new one entirely.</p> <p>18 MS. BALIAN: That is what I read from, Elizabeth.</p> <p>19 MS. GORDON: Well, you've got a stack of stuff</p> <p>20 right there.</p> <p>21 MS. MARZOTTO TAYLOR: No, it was not. You were</p> <p>22 reading off --</p> <p>23 MS. BALIAN: I was reading off of that. It's</p> <p>24 quoted in the paragraph.</p> <p>25 Why don't you look at it before you talk about</p> |

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| <p style="text-align: right;">Page 141</p> <p>1 something you don't know?</p> <p>2 MS. MARZOTTO TAYLOR: Melinda --</p> <p>3 MS. GORDON: Okay. We see --</p> <p>4 MS. MARZOTTO TAYLOR: I've been watching you this</p> <p>5 whole time, Melinda. I can see what you're reading off</p> <p>6 of.</p> <p>7 MS. BALIAN: Okay.</p> <p>8 MS. GORDON: No, no. This is our document --</p> <p>9 MS. BALIAN: Excuse me. No, it's not. That is my</p> <p>10 original.</p> <p>11 MS. GORDON: Okay. You don't have to grab things</p> <p>12 like a child --</p> <p>13 MS. BALIAN: I just want to clarify what your</p> <p>14 associate thinks she knows.</p> <p>15 MS. GORDON: You just snatched that out of my hand.</p> <p>16 MS. BALIAN: What I quoted from --</p> <p>17 A. Am I allowed to use the rest room?</p> <p>18 MS. GORDON: Go ahead and take a break.</p> <p>19 MS. BALIAN: No, there's a question pending.</p> <p>20 MS. GORDON: Well, that's fine. He's allowed to go</p> <p>21 to the bathroom in the midst of your failing to produce</p> <p>22 documents.</p> <p>23 MS. BALIAN: No.</p> <p>24 MS. GORDON: Go ahead, Detective.</p> <p>25 MS. BALIAN: No. There is a question pending.</p> | <p style="text-align: right;">Page 143</p> <p>1 MS. BALIAN: I am complying with the court order.</p> <p>2 MS. GORDON: No, you're not. The judge never</p> <p>3 anticipated that between the date she ruled and the</p> <p>4 23rd, you would be using and withholding documents from</p> <p>5 me.</p> <p>6 MS. BALIAN: I wasn't withholding anything.</p> <p>7 MS. GORDON: She never anticipated that. That is</p> <p>8 for darn sure.</p> <p>9 MS. BALIAN: Okay. So --</p> <p>10 MS. GORDON: So, if I would have said to her --</p> <p>11 MS. BALIAN: Maybe you shouldn't have scheduled any</p> <p>12 depositions --</p> <p>13 MS. GORDON: No, no --</p> <p>14 THE REPORTER: I'm sorry. One at a time.</p> <p>15 MS. BALIAN: -- between that time frame, Deb.</p> <p>16 MS. GORDON: If I would have said to the judge,</p> <p>17 "Your Honor, Ms. Balian is going to refuse to turn over</p> <p>18 documents and then use them at depositions and not hand</p> <p>19 them to me between the day you just put this on the</p> <p>20 record and the 23rd," what do you think she would have</p> <p>21 said? "That's fine. She can withhold documents and</p> <p>22 then cross-examine on them?"</p> <p>23 MS. BALIAN: Deb, you've continued to schedule</p> <p>24 depositions.</p> <p>25 MS. GORDON: Okay. I was entitled to.</p> |
| <p style="text-align: right;">Page 142</p> <p>1 MS. GORDON: Well, too bad, Melinda. I mean,</p> <p>2 you're not producing documents. We're way off the trail</p> <p>3 of the question by now. I'm not talking to him on the</p> <p>4 break.</p> <p>5 So, go ahead.</p> <p>6 (The Witness leaves the room.)</p> <p>7 MS. BALIAN: It said:</p> <p>8 "Once at the car, it appeared Corporal Furman</p> <p>9 pushed McClintock towards the open back seat."</p> <p>10 MS. GORDON: Okay. I'm going in for sanctions.</p> <p>11 MS. BALIAN: Well, okay. Good.</p> <p>12 MS. GORDON: And you heard what the judge said to</p> <p>13 you.</p> <p>14 MS. BALIAN: Yes.</p> <p>15 MS. GORDON: Do we have that transcript?</p> <p>16 MS. MARZOTTO TAYLOR: Yeah. Want me to get it?</p> <p>17 MS. GORDON: No.</p> <p>18 MS. BALIAN: Why don't you pull the order that has</p> <p>19 the date in it? That would be helpful.</p> <p>20 MS. GORDON: Okay. Melinda, you seem to grasp</p> <p>21 that -- what the court said was that we should have had</p> <p>22 these documents a long time ago, not on the 23rd. And</p> <p>23 now you have the gall to come in here and not hand me</p> <p>24 stuff. You're -- I see exactly how you operate and your</p> <p>25 firm.</p> | <p style="text-align: right;">Page 144</p> <p>1 MS. BALIAN: Maybe you shouldn't have scheduled</p> <p>2 any.</p> <p>3 MS. GORDON: Maybe you shouldn't have violated the</p> <p>4 court rules.</p> <p>5 MS. BALIAN: I didn't violate anything.</p> <p>6 MS. GORDON: The judge almost sanctioned you. You</p> <p>7 came that close.</p> <p>8 MS. BALIAN: She did not almost sanction me.</p> <p>9 MS. MARZOTTO TAYLOR: She did, indeed.</p> <p>10 MS. GORDON: Okay. Okay. You know, I'm not going</p> <p>11 to argue with you and your alternate reality.</p> <p>12 The court will speak for itself, and we'll see what</p> <p>13 they do.</p> <p>14 MS. BALIAN: Okay.</p> <p>15 MS. GORDON: I'm not going to sit here and argue</p> <p>16 with you about you didn't violate anything or the court</p> <p>17 didn't almost sanction you. You must live in a parallel</p> <p>18 world.</p> <p>19 MS. BALIAN: Okay.</p> <p>20 MS. GORDON: And I see how you operate.</p> <p>21 MS. BALIAN: Okay.</p> <p>22 MS. GORDON: It's been made extremely clear.</p> <p>23 MS. BALIAN: Okay.</p> <p>24 MS. GORDON: I mean, I thought it was bad enough</p> <p>25 after the court made clear to you that you had violated</p> |

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| <p style="text-align: right;">Page 145</p> <p>1 court rules and all of this should have been turned over 2 and that your objections were utterly misplaced and 3 outside the scope of the rule. After she said all that, 4 the court made clear what she observed and what we had 5 observed. This is now taking it to yet another step of 6 continuing to hide stuff. And the fact that you didn't 7 turn that over -- I'm repeating myself now -- is a 8 pathetic joke. That's as basic as it gets. 9 That's right. 10 MS. BALIAN: Okay. Are you done, or do you want to 11 say more? 12 MS. GORDON: I'm not answering you, Melinda. I 13 have no -- 14 MS. BALIAN: Okay. 15 MS. GORDON: -- reason to answer you whether I'm 16 done. 17 MS. BALIAN: Okay. 18 Everything that the court is requesting is being 19 produced pursuant to the court order. 20 (The Witness enters the room.) 21 MS. GORDON: Okay. I object to going forward with 22 the deposition unless I'm handed the documents that I 23 was entitled -- 24 MS. BALIAN: You will be -- 25 MS. GORDON: Okay. You just interrupted me.</p> | <p style="text-align: right;">Page 147</p> <p>1 April 23rd. I objected. 2 MS. GORDON: Okay. Melinda, she ordered -- 3 MS. BALIAN: I will proceed with the questioning -- 4 THE REPORTER: I'm sorry. One at a time. 5 MS. GORDON: She ordered that -- 6 MS. BALIAN: I'm just -- Deb, if you could let me 7 respond? 8 MS. GORDON: No -- 9 MS. BALIAN: Any documents I referenced, you can 10 happily reference them in any follow-up questioning. 11 MS. GORDON: Okay. Melinda, the court ordered that 12 because you had hidden documents from us. 13 MS. BALIAN: Okay. 14 MS. GORDON: You don't grasp that? Because 15 you operate -- 16 MS. BALIAN: It's called an objection. It's not 17 hiding. 18 MS. GORDON: -- in my opinion, in a very dishonest 19 way. 20 MS. BALIAN: Okay. 21 MS. GORDON: As do your clients, obviously. 22 MS. BALIAN: If you could read that last question 23 that I had, John, I would appreciate it, prior to all 24 the back and forth. 25 MS. GORDON: Are you going to give me a copy of</p> |
| <p style="text-align: right;">Page 146</p> <p>1 MS. BALIAN: Sorry. Go ahead. 2 MS. GORDON: I was putting an objection on the 3 record. 4 MS. BALIAN: Okay. 5 MS. GORDON: I object to going forward with the 6 deposition when counsel for the Defendants is sitting 7 across the table from me with documents in her hand, 8 which should have been produced months ago, and that, 9 according to the federal court, they interposed improper 10 objections to them and improperly withheld them. And 11 now, after the judge has ordered and -- from the bench 12 and issued a written order that we get these documents, 13 Defendants are using them to cross-examine this witness 14 without giving them to us. 15 And it looks like there's a stack of documents 16 there that we've never received. 17 MS. BALIAN: Okay. And in response the court 18 ordered that the documents will be produced on April 19 23rd. I didn't schedule this deposition. You did. 20 Any documents -- 21 MS. GORDON: Well, I didn't know you were hiding 22 stuff. 23 MS. BALIAN: Any -- I'm not hiding anything. 24 MS. GORDON: You've hid stuff -- 25 MS. BALIAN: The court ordered them produced on</p> | <p style="text-align: right;">Page 148</p> <p>1 that or not? 2 MS. BALIAN: Any document I reference, you're happy 3 to use with any follow-up questions you have. 4 MS. GORDON: Okay. Then I'm leaving. I'm not 5 going to sit here while you have documents I'm entitled 6 to and have you ask questions -- I'm still talking, 7 Melinda. 8 I'm not going to be in a dep where you have 9 withheld documents intentionally. The court has ordered 10 them, and then you're not allowing me to have them while 11 you do your cross. 12 John, the dep is over. 13 MS. BALIAN: Okay. I just said -- 14 MS. GORDON: No, no. 15 MS. BALIAN: -- you will have these documents for 16 your follow-up questions. 17 MS. GORDON: I don't -- no, I want them now, as 18 you're asking the witness. He's under -- 19 MS. BALIAN: I'm -- you just had it in your hand. 20 MS. GORDON: Okay. Melinda, goodbye. The dep is 21 ending. 22 MS. BALIAN: Okay. So, I want to make sure. So, 23 your objection and your walking out is because you are 24 not make copies of these prior? 25 MS. GORDON: Okay. I've made this incredibly</p> |

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| <p style="text-align: right;">Page 149</p> <p>1 clear, the fact --</p> <p>2 MS. BALIAN: Okay.</p> <p>3 MS. GORDON: Okay. Now you're interrupting me</p> <p>4 again.</p> <p>5 MS. BALIAN: No. Go make your four copies.</p> <p>6 MS. GORDON: Do you have other documents there with</p> <p>7 regard to this witness?</p> <p>8 MS. BALIAN: I do have other documents that I'm not</p> <p>9 using.</p> <p>10 MS. GORDON: That you're producing on the 23rd?</p> <p>11 MS. BALIAN: Correct.</p> <p>12 MS. GORDON: That have anything to do with this</p> <p>13 witness?</p> <p>14 MS. BALIAN: No.</p> <p>15 MS. GORDON: Okay.</p> <p>16 Sorry.</p> <p>17 A. That's okay.</p> <p>18 (Discussion held off the record.)</p> <p>19 (Record repeated by the reporter.)</p> <p>20 BY MS. BALIAN:</p> <p>21 Q. Okay. So, you're behind them. Corporal Furman is in</p> <p>22 front of you.</p> <p>23 So, if you're behind Corporal Furman, how did it</p> <p>24 appear that he pushed him?</p> <p>25 A. Once at the car, the way that, I guess, everything</p> | <p style="text-align: right;">Page 151</p> <p>1 MS. BALIAN: If you have an objection --</p> <p>2 MS. GORDON: -- my objection --</p> <p>3 MS. BALIAN: -- place your objection.</p> <p>4 MS. GORDON: -- is that this is all in writing and</p> <p>5 you are sitting here cross-examining a subpoenaed</p> <p>6 witness as if to say he's lying and Allen --</p> <p>7 MS. BALIAN: I'm not at all. I'm just asking some</p> <p>8 questions.</p> <p>9 MS. GORDON: Well, what's the point?</p> <p>10 MS. BALIAN: If you have an objection, place it.</p> <p>11 MS. GORDON: It's irrelevant.</p> <p>12 MS. BALIAN: Okay. Thanks.</p> <p>13 A. I don't know.</p> <p>14 BY MS. BALIAN:</p> <p>15 Q. You don't know where he was?</p> <p>16 A. He wasn't in my view.</p> <p>17 Q. Okay. Did McClintock have blood on his body at the time</p> <p>18 that he was arrested?</p> <p>19 A. I didn't see any.</p> <p>20 Q. Do you know if -- do you recall Furman putting on</p> <p>21 protective gloves at the time he arrested him?</p> <p>22 A. I don't remember if he did or not.</p> <p>23 Q. At what point did you arrive on scene?</p> <p>24 A. I believe at -- the time of my arrival was basically as</p> <p>25 the officer -- Officer Furman and Officer Hinojosa had</p> |
| <p style="text-align: right;">Page 150</p> <p>1 played out, if you will -- I was directly behind the</p> <p>2 car, if you will. So, Corporal Furman and</p> <p>3 Mr. McClintock were actually facing parallel to me. So,</p> <p>4 I actually had a view of Corporal Furman behind</p> <p>5 Mr. McClintock as he pushed him into the vehicle.</p> <p>6 Q. Where was the car parked?</p> <p>7 A. Down the street, roughly three or four houses down from</p> <p>8 where the arrest was made.</p> <p>9 Q. Three to four houses down. Okay.</p> <p>10 So, did you hear any discussion between McClintock</p> <p>11 and Furman?</p> <p>12 A. At the car?</p> <p>13 Q. Yeah.</p> <p>14 A. No.</p> <p>15 Q. Where was -- where was Hinojosa at this time?</p> <p>16 A. I don't know where he was.</p> <p>17 Q. Was he standing by you?</p> <p>18 MS. GORDON: What do you think? They all --</p> <p>19 they're all lying, Melissa(sic)? So, you're sitting</p> <p>20 here cross-examining --</p> <p>21 MS. BALIAN: My name is Melinda.</p> <p>22 MS. GORDON: I'm sorry.</p> <p>23 MS. BALIAN: Just let me get my questioning done.</p> <p>24 Thank you.</p> <p>25 MS. GORDON: Melinda, I apologize. I mean --</p> | <p style="text-align: right;">Page 152</p> <p>1 caught up to Mr. McClintock in the backyard of -- again,</p> <p>2 I don't remember the address, but of that house.</p> <p>3 Q. Did you have discussions with the other citizens that</p> <p>4 were there?</p> <p>5 A. I had a brief discussion with one citizen at the scene,</p> <p>6 yes.</p> <p>7 Q. Who was that? Do you recall?</p> <p>8 A. I believe it was the homeowners' son, but I can't be</p> <p>9 certain of that.</p> <p>10 Q. Was he one of the individuals that was going after</p> <p>11 McClintock?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And there were, from my understanding, several</p> <p>14 individuals that were going after him in sort of an</p> <p>15 assaultive nature?</p> <p>16 A. No.</p> <p>17 Q. No?</p> <p>18 A. It was -- the brief discussion I had was with that</p> <p>19 gentleman, and he stated he was the only one going after</p> <p>20 Mr. McClintock in an assaultive nature.</p> <p>21 Q. Have you reviewed all the reports on this matter?</p> <p>22 MS. GORDON: What reports? The ones you are</p> <p>23 holding in your hand?</p> <p>24 BY MS. BALIAN:</p> <p>25 Q. You can answer the question.</p> |

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| <p style="text-align: right;">Page 153</p> <p>1 MS. GORDON: I would like a description of what</p> <p>2 reports you're talking about so the witness can answer</p> <p>3 the question.</p> <p>4 Unless you know what she means.</p> <p>5 A. No. Actually, that was going to be my question as to</p> <p>6 which reports you're referring to.</p> <p>7 BY MS. BALIAN:</p> <p>8 Q. Have you reviewed any of the reports in this case?</p> <p>9 A. Yes.</p> <p>10 MS. GORDON: How does he know what the reports are?</p> <p>11 What reports?</p> <p>12 BY MS. BALIAN:</p> <p>13 Q. What reports have you reviewed?</p> <p>14 A. Mine to Chief Hayse and Officer Furman's actual police</p> <p>15 report from the incident.</p> <p>16 Q. Okay.</p> <p>17 A. But that was not recently.</p> <p>18 Excuse me. I need to add, I also, obviously,</p> <p>19 reviewed my own report to -- that was given to the</p> <p>20 Michigan State Police when they interviewed me in the</p> <p>21 station.</p> <p>22 Q. Speaking of that report to the Michigan State Police,</p> <p>23 you had indicated that you didn't know whatever happened</p> <p>24 with that; right?</p> <p>25 A. Correct.</p> | <p style="text-align: right;">Page 155</p> <p>1 MS. GORDON: You know, all the documents I'm using</p> <p>2 today are pretty much -- what is the -- what is it?</p> <p>3 MS. BALIAN: The e-mail, Sunshine Ponzetti, I</p> <p>4 believe.</p> <p>5 MS. GORDON: From this officer?</p> <p>6 MS. BALIAN: Yes.</p> <p>7 MS. GORDON: Okay. You know, I would think you</p> <p>8 would bring that with you since it's Officer Nolin's</p> <p>9 document.</p> <p>10 MS. BALIAN: Are you refusing to give it to me?</p> <p>11 MS. GORDON: Melinda, it may be back on my desk.</p> <p>12 If you want to take a break, I'll look for it.</p> <p>13 MS. BALIAN: Sure. We'll take a break.</p> <p>14 (Short recess at 1:24 p.m.)</p> <p>15 * * *</p> <p>16 (Record resumed at 1:27 p.m.)</p> <p>17 BY MS. BALIAN:</p> <p>18 Q. I'm showing you again what has been marked as Hayse 928</p> <p>19 through 930.</p> <p>20 When you were testifying to this earlier, you</p> <p>21 testified, "We reached out to MSP regarding McClintock."</p> <p>22 A. Correct.</p> <p>23 Q. Who is "we"?</p> <p>24 A. I don't -- I'm not sure if I made that clear earlier or</p> <p>25 not.</p> |
| <p style="text-align: right;">Page 154</p> <p>1 Q. Did Chief Allen ever tell you that in March 2017, he was</p> <p>2 contacted by the Michigan State Police and informed the</p> <p>3 case was denied?</p> <p>4 A. No.</p> <p>5 Q. That it was closed?</p> <p>6 A. No. That's the first time I'm seeing anything of this.</p> <p>7 Q. You had testified about citizen complaints and that you</p> <p>8 believe that Furman has more citizen complaints of other</p> <p>9 officers.</p> <p>10 A. Yes.</p> <p>11 Q. Do you know, of any of those citizen complaints, how</p> <p>12 many have been verified?</p> <p>13 A. I don't know.</p> <p>14 Q. Have any citizens made a complaint against you?</p> <p>15 A. Yes. Yes.</p> <p>16 Q. Is it fair to say that many citizen complaints that come</p> <p>17 in are not necessarily accurate?</p> <p>18 A. Yes.</p> <p>19 MS. BALIAN: Where's the Hayse Bates stamp 928</p> <p>20 through 930?</p> <p>21 MS. GORDON: I don't know.</p> <p>22 MS. BALIAN: Well, it was referenced during the</p> <p>23 deposition --</p> <p>24 MS. GORDON: I'm sorry. You know --</p> <p>25 MS. BALIAN: -- in the middle.</p> | <p style="text-align: right;">Page 156</p> <p>1 I'm not sure specifically. I just meant "we" as in</p> <p>2 the department of Melvindale. I don't know who it was</p> <p>3 specifically.</p> <p>4 Q. Well, clearly you did because you e-mailed.</p> <p>5 Do you know of anybody else?</p> <p>6 A. You're mixing up two different time frames there.</p> <p>7 What I was referring to when I said "We reached out</p> <p>8 to MSP," that was in reference to when Mr. McClintock</p> <p>9 had returned to Melvindale for his court appearance.</p> <p>10 Q. Okay.</p> <p>11 A. And -- versus this e-mail was actually when this was</p> <p>12 requested from me by Sunshine.</p> <p>13 Q. Okay. So, when you say, "We reached out to MSP when</p> <p>14 McClintock was back," who was "we"?</p> <p>15 A. Again, I -- I don't know the specific person. It was</p> <p>16 somebody from the department of Melvindale. I don't</p> <p>17 remember who it was.</p> <p>18 Q. Was that person asked to? Do you know?</p> <p>19 A. I don't know.</p> <p>20 Q. Then how do you know that person did?</p> <p>21 A. They told me.</p> <p>22 I -- I just don't remember who it was.</p> <p>23 Q. Now, what position do you have with the union?</p> <p>24 A. Currently I'm our vice president.</p> <p>25 Q. What position did you have in July of 2016?</p> |

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| <p style="text-align: right;">Page 157</p> <p>1 A. I would have been our secretary then.</p> <p>2 Q. When you say "our," what is "our"?</p> <p>3 A. For the union, the patrol union.</p> <p>4 Q. The patrol union.</p> <p>5 Okay. And is that the PO- --</p> <p>6 A. POAM.</p> <p>7 Q. POAM. Okay.</p> <p>8 So, when an officer is suspended with pay, what</p> <p>9 procedures have to be followed?</p> <p>10 A. I don't know. I don't know the disciplinary procedures</p> <p>11 that the command staff has to follow.</p> <p>12 Q. Okay. And I believe Lieutenant Welch testified that he</p> <p>13 informed Furman that he was suspended with pay.</p> <p>14 Were you present then?</p> <p>15 A. Yes.</p> <p>16 It was myself, Lieutenant Welch and Lieutenant</p> <p>17 Allen.</p> <p>18 Q. Okay. And where did that take place?</p> <p>19 A. In Chief Hayse's office.</p> <p>20 Q. Okay. And you indicate -- is this where you're claiming</p> <p>21 that you provided an envelope of some sort with a letter</p> <p>22 inside of it?</p> <p>23 A. No.</p> <p>24 Q. Okay. When was that?</p> <p>25 A. That was after Chief Hayse had concluded his</p> | <p style="text-align: right;">Page 159</p> <p>1 Q. Okay. So, you texted him.</p> <p>2 What did you text him?</p> <p>3 Do you still have it?</p> <p>4 A. Oh, no.</p> <p>5 Q. Okay. What did you text him?</p> <p>6 A. I don't remember exactly, but it would have to have -- I</p> <p>7 would assume be along the lines of just informing him</p> <p>8 that his suspension was being changed to without pay and</p> <p>9 that Chief Hayse was going to be seeking his</p> <p>10 termination, and that I had an envelope to give him;</p> <p>11 that I needed to meet up with him.</p> <p>12 Q. And who gave you this envelope?</p> <p>13 A. Chief Hayse.</p> <p>14 (Discussion held off the record.)</p> <p>15 BY MS. BALIAN:</p> <p>16 Q. Was it a thick envelope or a thin envelope?</p> <p>17 A. I don't recall. It seemed thicker than one sheet of</p> <p>18 paper.</p> <p>19 Q. What role did Kennaley have with the union?</p> <p>20 A. If he was still in our union, at that time, he would</p> <p>21 have been our union president.</p> <p>22 Q. Okay.</p> <p>23 A. I can't recall when he got promoted.</p> <p>24 Q. And you were aware that Furman filed a grievance</p> <p>25 regarding his suspension; correct?</p> |
| <p style="text-align: right;">Page 158</p> <p>1 investigation into the McClintock incident and changed</p> <p>2 Officer Furman's suspension from with pay to without pay</p> <p>3 and was informing Officer Furman that he was going to be</p> <p>4 seeking his termination.</p> <p>5 Q. Okay. Well, I also thought that Welch said that he</p> <p>6 informed Furman that it was being changed to without</p> <p>7 pay.</p> <p>8 A. I wasn't here for that deposition. I would have no idea</p> <p>9 what Lieutenant --</p> <p>10 Q. Were you present when Welch informed Furman that it was</p> <p>11 being changed to without pay?</p> <p>12 A. No.</p> <p>13 Q. Okay. And where -- I'm sorry.</p> <p>14 Where did it take place that you're saying you</p> <p>15 informed Furman that it was being changed to without</p> <p>16 pay?</p> <p>17 A. The first -- initial of me informing him, I guess, was</p> <p>18 through -- via text within -- probably within an hour.</p> <p>19 Myself and Detective Thompson met Officer Furman. It</p> <p>20 was at a -- kind of like a park and ride in Melvindale.</p> <p>21 It was just an empty parking lot some people will</p> <p>22 carpool out of. It's basically at the corner of Allen</p> <p>23 Road and Outer Drive.</p> <p>24 Q. Why did you meet him there rather than someplace else?</p> <p>25 A. That's where Officer Furman asked me to meet him.</p> | <p style="text-align: right;">Page 160</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And I believe you testified that and then all of</p> <p>3 a sudden something happened and he got his backpay back,</p> <p>4 but the union was never notified of that?</p> <p>5 A. Correct.</p> <p>6 Q. Were you aware that Kennaley was in discussions with</p> <p>7 Chief Hayse about this and entered into this?</p> <p>8 A. For the record, that looks like Chief Allen, not Chief</p> <p>9 Hayse.</p> <p>10 Q. I'm sorry. Chief Allen, yes.</p> <p>11 A. But, no, I was unaware of that.</p> <p>12 Q. Well, this occurred after Chief Hayse was removed.</p> <p>13 MS. GORDON: There's no date on this document.</p> <p>14 Do you have a date, Melinda?</p> <p>15 MS. BALIAN: The document speaks for itself. I</p> <p>16 can't --</p> <p>17 MS. GORDON: It doesn't speak, and that's why we're</p> <p>18 all sitting here perplexed and you're asking the witness</p> <p>19 about -- you're giving him, you know, hints as to</p> <p>20 what --</p> <p>21 MS. BALIAN: I'm just asking him if he was aware of</p> <p>22 this.</p> <p>23 A. No.</p> <p>24 MS. GORDON: I think he already answered, but okay.</p> <p>25 BY MS. BALIAN:</p> |

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|---|---|
| <p style="text-align: right;">Page 161</p> <p>1 Q. But Kennaley was the president of POAM; is that correct?</p> <p>2 A. With no date on that document, I don't know if he was</p> <p>3 still the president or not at that time.</p> <p>4 Q. Okay. When did he stop being president?</p> <p>5 A. When he was promoted to sergeant.</p> <p>6 Q. Which was when?</p> <p>7 A. As I stated, I don't remember when he was promoted.</p> <p>8 Q. But at some time he was president of POAM?</p> <p>9 MS. GORDON: That's been already covered by you</p> <p>10 twice, I think.</p> <p>11 BY MS. BALIAN:</p> <p>12 Q. At approximately what time was he promoted to sergeant?</p> <p>13 A. I don't know.</p> <p>14 Q. What is step one of the grievance procedure?</p> <p>15 A. The officer -- the person who is being disciplined</p> <p>16 informs the union president that he wants to file -- he</p> <p>17 or she wants to file a grievance, and the union</p> <p>18 president informs the chief of that.</p> <p>19 Q. And what is step two?</p> <p>20 A. I don't know. I've never gone through a grievance</p> <p>21 process, whether it be for myself or in defense of</p> <p>22 another officer. I haven't gone through it.</p> <p>23 Q. As part of the union, wouldn't -- as having a position</p> <p>24 in the union, wouldn't you know this?</p> <p>25 A. No. If I did, I would have told you.</p> | <p style="text-align: right;">Page 163</p> <p>1 MS. BALIAN: Well, if you want to let me get it</p> <p>2 out.</p> <p>3 BY MS. BALIAN:</p> <p>4 Q. So, do you know if it actually was a workshop, per se?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Are you aware that workshops are generally posted</p> <p>7 on the Melvindale Police Department website?</p> <p>8 A. No.</p> <p>9 Q. Was the meeting called to order?</p> <p>10 A. I don't recall.</p> <p>11 Q. Have you reviewed Furman's personnel file?</p> <p>12 A. No.</p> <p>13 The only person that can do that is Furman and</p> <p>14 probably the chief or the Safety Commission.</p> <p>15 Q. Have you ever had a discussion with city council to</p> <p>16 determine the full duties of corporation counsel?</p> <p>17 A. No.</p> <p>18 Q. Do you know the first date that Furman was suspended in</p> <p>19 July with pay?</p> <p>20 A. No.</p> <p>21 Q. You said there was an officer at the police department</p> <p>22 that was upset because Lawrence Jackson had his personal</p> <p>23 cell phone number.</p> <p>24 Who was that?</p> <p>25 A. I believe that was Officer Blunden.</p> |
| <p style="text-align: right;">Page 162</p> <p>1 Q. Why were you in charge of letting Furman know these</p> <p>2 things?</p> <p>3 A. I believe for two reasons: One, because I was on the</p> <p>4 union board, and, two, Officer Furman and I were</p> <p>5 friends, so I think it was a bit more personal and</p> <p>6 respectful to Officer Furman that I could tell him a bit</p> <p>7 easier than maybe somebody from the command staff who</p> <p>8 wasn't friends with him.</p> <p>9 Q. What is step three?</p> <p>10 A. I don't know.</p> <p>11 Q. You provided testimony that you spoke up at this -- I</p> <p>12 think you called it a workshop where this -- where the</p> <p>13 Lawrence Jackson investigation was being discussed</p> <p>14 because you said, "It's sounding dangerously close to a</p> <p>15 quota."</p> <p>16 Did you record that meeting at all?</p> <p>17 A. No.</p> <p>18 Q. Do you know if anybody did?</p> <p>19 A. I believe they're recorded, but I'm not 100 percent on</p> <p>20 that.</p> <p>21 Q. Well, workshops are generally not recorded, if this</p> <p>22 actually was a workshop.</p> <p>23 A. Okay.</p> <p>24 MS. GORDON: Is that a question, or are you just</p> <p>25 commenting?</p> | <p style="text-align: right;">Page 164</p> <p>1 Q. Blunden?</p> <p>2 A. Yes.</p> <p>3 Q. Were you aware that Welch testified at his deposition</p> <p>4 that he has heard Hayse refer to the mayor as a "bitch"?</p> <p>5 A. No.</p> <p>6 Q. Would that surprise you?</p> <p>7 A. Yes.</p> <p>8 Q. You've provided testimony about some reasons why you</p> <p>9 believe officers testified the way they did at the</p> <p>10 removal hearing.</p> <p>11 Easton never told you he provided false testimony</p> <p>12 at the removal hearing, did he?</p> <p>13 A. No.</p> <p>14 Q. As a police officer, you don't have authority to enter</p> <p>15 into a contract on behalf of the City, do you?</p> <p>16 A. No.</p> <p>17 Q. You testified that you and another officer razzed Furman</p> <p>18 about texting Nicole Barnes.</p> <p>19 Who was the other officer?</p> <p>20 A. To clarify, I said that we razzed him about his</p> <p>21 relationship with her, not about him texting her.</p> <p>22 And that other -- Lash -- Officer Lash.</p> <p>23 Q. What relationship is that?</p> <p>24 A. Their relationship with each other.</p> <p>25 Q. Which is what?</p> |

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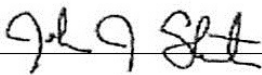
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| <p style="text-align: right;">Page 165</p> <p>1 A. I don't know. He wouldn't tell me.</p> <p>2 Q. Okay. So, you don't know if they have a relationship;</p> <p>3 correct?</p> <p>4 A. Well, I know that they have some sort of relationship,</p> <p>5 yes.</p> <p>6 Q. Which is what?</p> <p>7 A. My answer again is I don't know.</p> <p>8 Q. Okay. So, you saw him texting her?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. Did you attend the removal hearing of Chief</p> <p>11 Hayse?</p> <p>12 A. No. It was a closed hearing. I was subpoenaed, so I</p> <p>13 wasn't allowed in.</p> <p>14 Q. Okay. And you didn't testify; correct?</p> <p>15 A. Correct.</p> <p>16 Q. And you weren't involved in disciplining officer -- let</p> <p>17 me put it this way: You weren't involved in the</p> <p>18 discipline of Officer Furman at all in July of 2016;</p> <p>19 correct? Other than informing --</p> <p>20 A. As in the decision, you mean?</p> <p>21 Q. Yes.</p> <p>22 A. That's correct, yes.</p> <p>23 Q. Was the only role you played in relaying it to him?</p> <p>24 A. I was there as his union representation. However, at</p> <p>25 the initial, I guess, meeting, if you will, when Officer</p> | <p style="text-align: right;">Page 167</p> <p>1 this discipline --</p> <p>2 A. Correct.</p> <p>3 Q. -- other than when you went to the park and ride --</p> <p>4 MS. GORDON: I think we've covered this so many</p> <p>5 times, Melinda.</p> <p>6 MS. BALIAN: Okay.</p> <p>7 BY MS. BALIAN:</p> <p>8 Q. -- and informed him of the suspension without pay?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. You were asked a question about whether you were</p> <p>11 aware that Hayse had contacted Coogan regarding this</p> <p>12 discipline, and I believe you testified that you were</p> <p>13 aware of that.</p> <p>14 A. Yes.</p> <p>15 Q. How were you aware of that?</p> <p>16 A. Chief Hayse told me.</p> <p>17 Q. So, just by hearsay from Chief Hayse?</p> <p>18 A. Yes.</p> <p>19 Q. Did you witness it?</p> <p>20 A. No.</p> <p>21 MS. BALIAN: I don't have any further questions at</p> <p>22 this point.</p> <p>23 MS. GORDON: I just have one follow-up.</p> <p>24 * * *</p> <p>25 RE-EXAMINATION</p> |
| <p style="text-align: right;">Page 166</p> <p>1 Furman was suspended with pay, he -- there was no steps</p> <p>2 to be taken at that time. So, after that point, yes,</p> <p>3 the steps were taken through our union president, not</p> <p>4 me.</p> <p>5 Q. Okay. So, was that the only meeting you were at, was</p> <p>6 the initial one?</p> <p>7 A. As far as I'm aware, that's the only meeting that was</p> <p>8 held.</p> <p>9 So, yes.</p> <p>10 Q. And what took place at that meeting?</p> <p>11 A. He was suspended with pay.</p> <p>12 Q. What discussion was had at all?</p> <p>13 A. That was the discussion.</p> <p>14 He was -- had already been made aware prior by me</p> <p>15 that he was under investigation for that incident, and</p> <p>16 also from our union president, which was Kennaley at</p> <p>17 that time. And so he was aware that the investigation</p> <p>18 was going on.</p> <p>19 So, at the meeting, all that was -- all that</p> <p>20 happened was, he was made aware that he was, at that</p> <p>21 time, suspended with pay and to turn over his firearm</p> <p>22 and badge until further notice.</p> <p>23 Q. Okay. Who else was present at that meeting?</p> <p>24 A. Myself, Lieutenant Welch, Furman and Lieutenant Allen.</p> <p>25 Q. Okay. And that's the only meeting you were at involving</p> | <p style="text-align: right;">Page 168</p> <p>1 BY MS. GORDON:</p> <p>2 Q. With regard to those texts that you saw with Barnes and</p> <p>3 Furman --</p> <p>4 A. Okay.</p> <p>5 Q. -- what was the nature of them?</p> <p>6 A. The ones that he would let me see were friendly, kind of</p> <p>7 flirtatious.</p> <p>8 After that, he covered his phone so I couldn't see</p> <p>9 the rest of it. So, I don't know how it ended.</p> <p>10 Q. Okay. Okay. So, nothing else that you recall seeing,</p> <p>11 other than what you've just described?</p> <p>12 A. Correct.</p> <p>13 MS. GORDON: Okay. Thank you.</p> <p>14 (Deposition concluded at 1:49 p.m.)</p> <p>15 * * *</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |

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1 STATE OF MICHIGAN)
2 COUNTY OF OAKLAND)
3 CERTIFICATE OF NOTARY PUBLIC
4 I do hereby certify that the witness, whose
5 attached testimony was taken in the above matter, was
6 first duly sworn to tell the truth; the testimony
7 contained herein was reduced to writing in the presence
8 of the witness by means of stenography; afterwards
9 transcribed; and is a true and complete transcript of
10 the testimony given.
11 I further certify that I am not connected by blood
12 or marriage with any of the parties; their attorneys or
13 agents; and that I am not interested, directly or
14 indirectly, in the matter of controversy.
15 In witness whereof, I have hereunto set my hand
16 this day at Highland, Michigan, County of Oakland, State
17 of Michigan on Monday, April 23, 2018.
18 
19 _____
20 _____
21 John J. Slatin, RPR, CSR-5180
22 Certified Shorthand Reporter
23 Notary Public, Oakland County, Michigan
24 My commission expires: July 25, 2023
25